

# **Mexican Gray Wolf Reintroduction Project**

## **Five-Year Review**

### **Section B**

#### **Administrative Component**

**Prepared By The Mexican Wolf Adaptive Management Oversight Committee  
(AMOC):**

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## **Foreword**

According to the nonessential experimental population rule (rule) that authorized the Mexican Wolf Reintroduction Project, the U.S. Fish and Wildlife Service (Service) is required to conduct full evaluations after 3 and 5 years that recommend continuation, modification, or termination of the reintroduction effort. The Three-Year Review was conducted in 2001 and concluded that the program should continue but with modifications (Paquet et al. 2001). This Five-Year Review report is largely an analysis of the suggested recommendations and modifications in the Three-Year Review, including the independent review conducted by the States of Arizona and New Mexico, as to whether the Service has implemented them or not.

With respect to the Three-Year Review, the Service notes upfront that it is not under any binding requirement or commitment to implement the recommendations that were produced from the Three-Year Review report, commonly referred to as the Paquet Report (Paquet et al. 2001). The Service views the recommendations as potential tools to consider, which if implemented, may further recovery of the Mexican wolf. The Service regularly seeks peer review of its work and gives such review and recommendations serious consideration. However, the Service's effort to move forward with the recommendations it seeks to implement must be balanced by logistical considerations such as workload, staff availability, budget constraints, direct input from key cooperators and local stakeholders, and the need to redefine or strengthen partnerships to support long-term conservation efforts. The Service will continue to seek such recommendations and input regarding the Mexican wolf program as necessary to achieve recovery goals and objectives. The input sought from this Five-Year Review analysis is considered an important part of that process.

## **Introduction**

This Administrative section was written by the six Lead Agencies (Service, Arizona Game and Fish Department, New Mexico Department of Game and Fish, USDA-Forest Service, USDA-APHIS Wildlife Services, and White Mountain Apache Tribe) that comprise the Mexican Wolf Adaptive Management Oversight Committee (AMOC).

The Administrative section is a formal evaluation and analysis of three separate components as follows: A) Evaluation of the administrative questions identified in the Mexican Wolf Interagency Management Plan; B) Evaluation of the organizational recommendations from the Three-Year Review Paquet Report; and C) Evaluation of the recommendations from the Arizona-New Mexico independent review of the Three-Year Review that was directed by Congress. Each question or recommendation is evaluated as either: a) completed/being implemented; b) not completed/being implemented but necessary (provide justification why it has not been completed and estimated completion date); or c) not considered necessary to complete/implement (provide justification).

## **A. Evaluation of the administrative questions identified in the Mexican Wolf Interagency Management Plan:**

### **1. Is effective cooperation occurring with other agencies and the public?**

A survey will be conducted by AGFD in January/February to address this question. The results will be compiled and included in the next Five-Year Review draft document, which will be available to the public in June 2005.

### **2. Are combined agency funds and staff adequate to carry out needed management, monitoring, and research?**

Status of Recommendation: **Being implemented**

Justification: The Three-Year Review identified a lack of resources essential to carrying out needed management, monitoring, and research. For example: management activities were constrained by insufficient staff to carry them out; annual reports, work plans, incident analyses, and operating procedures were not completed due to higher priorities for existing staff; local residents asserted they could not reach an Interagency Field Team (IFT) member when assistance was needed; public outreach languished as staff tried to manage the increasing number of released and free-ranging wolves; vehicles were in short supply, and most that existed were high-mileage disposal trucks close to or beyond their useful lifespan when assigned to the Project; some IFT members worked out of their homes due to lack of office space; the trailer housing the Alpine Field Office was questionable in terms of structural stability; monitoring was limited by availability of flights, which reflected limited air support and lack of funds to ensure that flight time could be increased to more fully meet Project needs; and basic questions about wolf movements and behavior, impacts on native and domestic prey, wolf relationships to total predator load, and all aspects of the human dimensions (sociocultural and economic issues), etc. remained unanswered due to lack of funding.

This does not mean, however, that the Project's budget was inconsequential during this period. In fact, the cooperating agencies estimate (Fig. 1) that from Fiscal Year 1998 through Fiscal Year 2004, they spent a combined \$7,292,361 on wolf-related activities, including expenses associated with captive breeding and the over-arching range-wide recovery program, as well as the AZ-NM Reintroduction Project.

Figure 1. Estimated costs of Mexican wolf conservation by cooperating agencies since initial releases occurred in 1998 in the Arizona-New Mexico Blue Range Reintroduction Project. See footnotes below for information essential to understanding the limitations of the information provided below; the costs reported herein are “best possible” estimates, not exact figures.

Cost Estimates (= Funds Expended)						
Fiscal Year	AGFD State <sup>1</sup>	AGFD Federal <sup>2</sup>	NMDGF State <sup>3</sup>	USFS <sup>4</sup>	SERVICE <sup>5</sup>	Total
98	60,632	25,397	0	3,000	490,100	579,227
99	36,094	12,000	12,250	10,000	706,600	777,043
00	50,896	13,000	17,000	11,500	921,700	1,014,096
01	56,500	16,000	17,000	13,500	1,140,300	1,243,301
02	53,000	15,000	17,000	7,000	978,500	1,070,502
03	110,000	26,000	17,000	12,500	1,033,600	1,199,103
04	267,000	26,000	20,000	12,500	1,083,585	1,409,089
Total	634,122	133,397	100,250	70,000	6,354,385	7,292,361

<sup>1</sup> “AGFD State” includes all AGFD funds other than those received from Federal sources.

<sup>2</sup> “AGFD Federal” includes all funds expended by AGFD that were of Federal origin via ESA Section 6, Pittman-Robertson, Wildlife Conservation and Restoration Program, and State Wildlife Grants. See Footnote #5 below for explanation of contract funds received from SERVICE.

<sup>3</sup> “NMDGF State” includes only NM State funds that have been put toward the Mexican wolf project. Matching funds originating from SERVICE on a 3:1 ratio (Federal:State) are included in the “SERVICE” column.

<sup>4</sup> “USFS” cost figures through 2002 are estimates generated in April 2003 for the Apache-Sitgreaves National Forests (Alpine and Clifton Ranger Districts) and the Gila Nation Forest (Wilderness Ranger District).

<sup>5</sup> “SERVICE” cost figures are for the Service’s Endangered Species Program only. The variance in funds per fiscal year is a reflection of some years (2001, 2003, 2004) including Service personnel salaries while other years do not. All years include funds conveyed by contract to AGFD, NMDGF, APHIS/WS, and WMAT (White Mountain Apache Tribe) for work on the Mexican wolf reintroduction project. APHIS/WS costs are entirely included within the Service costs, as all APHIS/WS costs have been covered by reimbursement contract with the Service.

When the two State Wildlife Agencies conducted a September 2002 independent review, at the Service's request, of the Service's Three-Year Review, the lack of essential resources was still obvious. Thus, both State Wildlife Commissions endorsed a recommendation that the Service "Restructure the Interagency Field Team response protocols, and enhance staff capacity [emphasis added], to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents."

However, the situation did not improve over the next two years, as the agencies began to restructure the Project. In fact, by late 2003 the pressures of cutbacks in Federal agency budgets began forcing States to either pick up the increasing funding shortfall or allow further decay in the IFT's ability to carry out its responsibilities. The partners had not begun trying to build an overall IFT budget, and to jointly expand the pool of available resources by December 31, 2003, the end of the period on which the Five-Year Review is primarily focused. Consequently, the available resources were not always shared effectively, and Project accomplishments and public and agency acceptance and satisfaction were appreciably hampered.

Staff shortfalls in the Project have also been exacerbated by turnover throughout the Project. Given that the agency budgets are one-year commitments at best, and often are not fully resolved until well into the Fiscal Year, Project personnel have had an understandable degree of uncertainty as to their employment status. This has induced several IFT employees to leave the Project for more stable positions elsewhere, often with other wolf management projects. Disparities in State and Federal salaries for Field Team members have also contributed to dissatisfaction, and eventual vacancies. Government hiring processes tend to extend vacancy periods, imposing even greater workloads on remaining employees who are already stretched to or beyond their limits.

The situation improved in 2004, however as the AMOC began to work more effectively as a collaborative effort under the October 2003 Project Memorandum of Agreement (MOU). Although progress was impeded by delayed Congressional approval of the Federal FY04 budget (i.e., the Service did not receive its allocation until June 2004, in a Fiscal Year that began in October 2003), and further cutbacks (excluding salaries) in the Service wolf budget, in February 2004 the Lead Agencies under the MOU began building a joint Annual Work Plan and overall budget for the year in progress. Still, the available funds were not sufficient to cover the full term equivalent (FTE) needs (a total of 14.25 personnel) identified for the Project by the cooperators in the draft 2004 Annual Work Plan.

The disparity in FTEs and the budget shortfalls had not been fully resolved as the Five-Year Review period closed. Thus, although the IFT and the cooperating agencies were increasingly working as a team, allocating IFT staff resources to one pressing issue of the day still means that other essential priorities, and public expectations, are deferred beyond the prescribed response deadline or completion date. The same applies to the agency employees providing administrative oversight for the Project, and conducting the adaptive management program and contributing to this review. Other than most of the Service employees directly involved, none of the agency staff

are assigned only to the Project. Most have at best a small percentage of their work week available to address Project issues, which continues to cause delays in completing Project-related assignments and shortfalls in carrying out needed management, monitoring, and research.

Insufficient resources have been significant problems to date, but the issue is even more problematic for the future. The reintroduced population is at a point at which exponential population growth might reasonably be expected. As the number of free-ranging wolves increases, and recovery and delisting are approached, management issues will increase proportionately. If those needs go unmet, public dissatisfaction, especially among local residents who are most affected by the Project, will inevitably sky rocket.

**B. Evaluation of the organizational recommendations from the Three-Year Review Paquet Report as either: a) completed/being implemented; b) not completed/being implemented but necessary; and c) not considered necessary to complete or implement.**

**1. Modify the Recovery Team by inviting an appropriate individual other than the Recovery Coordinator to serve as the team leader**

Status of Recommendation: **Completed**

Justification: In August 2003, the Service convened the Southwestern Gray Wolf Distinct Population Segment (SWDPS) Recovery Team (see below) and appointed Peter Siminski to serve as the team leader. Mr. Siminski has a long-standing history with the Mexican wolf recovery program, dating back to 1983. This was shortly after five Mexican wolves had been captured from Mexico and transported to the Arizona-Sonora Desert Museum to establish a captive breeding program. Mr. Siminski was appointed as the official Mexican wolf studbook keeper and participated in recovery planning coordination of the captive management program. In 1985 a consortium of holders of captive Mexican wolves called the Mexican Wolf Captive Management Committee was established. Mr. Siminski has been instrumental in expanding the captive breeding program from the first few initial facilities that held Mexican wolves to currently over 45 facilities in the United States and Mexico. Mr. Siminski is also credited with establishing the management of captive Mexican wolves under the Mexican Wolf Species Survival Plan (SSP), a program of the American Zoo and Aquarium Association. He has served as the Mexican Wolf SSP Coordinator since 1993. Mr. Siminski also served as a member of the Mexican Wolf Recovery Team since 1985. Mr. Siminski was chosen as the team leader for the new SWDPS Recovery Team because of his vast knowledge of the program, his fair and unbiased approach toward recovery, and his strong leadership abilities to lead a diverse team with myriad viewpoints.

**2. Instruct the modified Recovery Team to revise by June 2002 the 1982 Recovery Plan**

Status of Recommendation: **Not completed but necessary; in progress**

Justification: The Service convened the SWDPS Recovery Team in August 2003. The team is composed of a technical sub-group and a stakeholder sub-group to address both the science/biology of the species needs, as well as the social and economic considerations with respect to wolf recovery in the SWDPS.

The Service recognizes the importance of revising the 1982 Recovery Plan because the plan lacks recovery (downlisting or delisting) goals or strategies. The omission of downlisting and delisting goals was intentional because at the time the plan was written, only a handful of Mexican wolves existed in captivity. Recovery was virtually inconceivable until the captive program was successful enough to produce enough wolves for reintroduction purposes. Therefore, the plan contained an overall primary objective to conserve and ensure the survival of *Canis lupus baileyi* by maintaining a captive breeding program and re-establish a viable, self-sustaining population of at least 100 Mexican wolves within their historic range. This objective was not intended to be a recovery objective for delisting purposes, but rather a goal to strive for given the uncertain progress of the captive propagation program at the time, and the recognition that a population of 100 wolves does not constitute recovery of the species.

The Service views the recommendation to revise the 1982 Recovery Plan as an appropriate and valid recommendation. However, the recommended completion date of June 2002 was unrealistic. Recovery planning is a lengthy process that first requires the Service to select and appoint team members. This in itself can take several months to ensure the appropriate representation and to allow for sufficient time for appointees to consider the Service's request. The second step is to convene the team and begin construction of the recovery plan. This can take a minimum of one year. A recovery plan as complex and controversial as the SWDPS Recovery Plan requires a thorough evaluation, necessitating more time than the one year afforded by the Three-Year Review recommendation.

The following synopsis provides an overview of the circumstances that guided the Service's decision to convene the new Recovery Team in 2003:

The Three-Year Review was completed in August 2001, after the Service held the Stakeholder Workshop in Show Low, Arizona in which the findings of the scientific report were shared with the public and their input sought on the recommendations of the report. Shortly after the completion of the Three-Year Review, the Service's Regional Director for Region 2, Nancy Kaufman, was reassigned and replaced by H. Dale Hall in December 2001. This change in Service leadership resulted in a reassessment of the direction the Service was taking regarding the Mexican wolf program.

In June 2001, Congress directed the Service to do an independent review of the Service's Three-Year Review of the Mexican wolf program. As a result, the Service chose to delay implementation of the recommendations from the review until an independent review was completed. In August 2002, at the Service's request, AGFD and NMDGF agreed to conduct the independent review. The Service chose the two Departments because of the expertise that both

agencies possess, and their participation and long history with the Mexican wolf program. The independent review by the States was completed on September 30, 2002. The outcome of their review determined the need to increase the State's roles in the reintroduction program in order to enhance public trust in the program's ability to be responsive to wolf management needs and operation issues, and to allow for appropriate participation by the full spectrum of stakeholders and other interested parties.

Following the States' review, the Service engaged in a lengthy process to begin the process of restructuring the reintroduction program to allow the States and Tribes to have the lead for implementing wolf reintroduction throughout the Blue Range Wolf Recovery Area (BRWRA). The end result was the completion of an October 2003 MOU among the Service, AGFD, NMDGF, Wildlife Services, Forest Service, WMAT, New Mexico Department of Agriculture, and a number of Counties (current County signatories to the MOU to date include Greenlee, Navajo, and Sierra) located in the BRWRA. The MOU guides the program through an adaptive management approach to managing the reintroduced wolves.

Concurrent with this entire process outlined above, the Service, at a national level was in the process of reclassifying and removing the gray wolf from the list of endangered and threatened wildlife throughout portions of the conterminous United States. This rule, which became effective on April 1, 2003, established three Distinct Population Segments (DPS) for the gray wolf, one of which was the Southwestern Gray Wolf DPS. This action did not change the status of Mexican wolves, and wolves in this DPS retained their previous experimental population or endangered status. The establishment of the SWDPS requires the Service to achieve recovery at the DPS level (i.e., the DPS will be delisted when recovery is achieved), and has important implications for how recovery of the gray wolf is achieved in the Southwest. In recognition of this forthcoming rule, the Service postponed recovery planning for the Mexican wolf until gray wolf policy at the national level was determined.

Following the final reclassification rule in April 2003, which established the SWDPS, and at the direction of the Regional Director, the Service immediately began the process to convene a new Recovery Team. The team was assembled by August, and meetings have been held quarterly since October 2003. The Service expects a final Recovery Plan to be submitted to the Regional Director by February 2006.

### **3. Immediately engage the Services of the modified Recovery Team**

Status of Recommendation: **Completed; being implemented**

Justification: As noted above, the SWDPS Recovery Team consists of a technical sub-group and a stakeholder sub-group. The technical sub-group is a body of scientists who represent expertise in wolf reintroduction and management, population demographics, general wolf biology and behavior, genetics, captive propagation, and research. The Service has conferred with members



of the technical sub-group as a unit and individually on many occasions, and therefore is currently utilizing the Recovery Team in this recommended capacity.

The stakeholder component of the Recovery Team is equally important. This sub-group is composed of a variety of interests from local and private sectors representing the livestock and ranching industry, hunting, guide and outfitters, and environmental and conservation organizations, as well as numerous Federal, State, Tribal, and County governments. The stakeholder component of the Recovery Team provides the opportunity for those directly or indirectly affected by wolf recovery to voice their concerns, and the concerns of the constituents they represent, regarding impacts of wolves on resource management, land use, and socioeconomic factors. The input and information provided by the stakeholder sub-group helps guide the Service to make decisions regarding wolf recovery implementation. The Service will continue to engage the Recovery Team in this manner throughout the recovery planning process. One such example includes the Service inviting the full Recovery Team to serve as a review body for this Five-Year Review document for the purpose of providing feedback on the program and overall management of wolves in the current BRWRA reintroduction area.

#### **4. Immediately modify the final rule and develop authority to conduct releases into the Gila National Forest**

Status of Recommendation: **Not completed**

Justification: Current authority under the Mexican wolf final rule (rule) restricts direct releases of Mexican wolves from captivity to the Primary Recovery Zone (PRZ) in the southern portion of the Apache-Sitgreaves National Forest, entirely within Arizona in Greenlee County. Wolves released into the PRZ are allowed to disperse on their own throughout the entire BRWRA, including the Apache and Gila National Forests in Arizona and New Mexico, respectively. Additionally, the Service may translocate wolves (those that have previously been free-ranging) for management purposes anywhere within the Secondary Recovery Zone (SRZ), which includes the remainder of the BRWRA.

The Service recognizes there are limitations with the existing rule. The Gila National Forest makes up approximately 75% of the BRWRA and contains much of the best wolf habitat due to the existence of some areas with low or no road densities, good populations of large native ungulates (primarily elk), and no permitted livestock. Currently, the Service is limited to releasing (translocating) only wolves that have had previous wild experience into New Mexico. This restricts the pool of available release candidates and limits the Service's ability to release wolves for management purposes, such as replacement of lost mates or genetic augmentation. The ability to genetically augment the wild population with wolves that are genetically underrepresented is important in order to increase the overall fitness of the population, thereby aiding recovery of the species. Additionally, there is some public perception that wolves translocated into the Gila are "problem" wolves because they have been removed from the wild for livestock depredations or other such nuisance/problem behavior, and that the Service is

therefore concentrating “problem” wolves into New Mexico. However, data from the Mexican wolf program indicate that translocated “problem” wolves are *more* likely to succeed, not less likely. In other words, this means wolves are less likely to have to be removed for problem behavior again after being translocated. As supported by the data, removing the offending problem animal(s) from a particular area and relocating them to another area can alter the behavior, thereby rendering them no longer “problem” wolves. Nonetheless, the Service and the NMDGF recognize the value of having the ability to directly release wolves without any previous history of problem behavior into New Mexico to help improve relations and build trust with those affected by wolves on the ground.

A consistent policy needs to be in place that allows both wolves with successful experience in surviving on wild prey (even if that includes limited involvement in depredation situations), and wolves that are more naïve but have no experience with livestock to be candidates for release or translocation throughout the BRWRA. In fact, pairing of wolves that are naïve with those having a previous wild experience can lead to establishment of a pair or pack with more of the desired attributes for successful wolf recovery. As stated above, however, the current rules and policies limit the ability to translocate or release wolves with successful experience with wild prey throughout the recovery area, and limit the availability of wolves with no history of depredation for translocations to the SRZ.

As early as 1999, the Service began internally discussing the possibility of modifying the rule.<sup>6</sup> In the short time since they had been released, Mexican wolves had colonized the majority of the PRZ, leaving fewer release sites to conduct further releases. Additionally, the project had experienced several conflicts between wolves and human activities in rural areas, wolf/dog conflicts, and several confirmed depredations. Numerous illegal wolf shootings had also occurred. The Service convened a Mexican wolf program review in January 1999 in which experts strongly recommended modifying the rule to gain authority to release wolves in remote areas (i.e., the Gila National Forest) in the New Mexico portion of the BRWRA in order to minimize the conflicts. Based on the experience of the IFT at that time with managing and monitoring the free-ranging population, the IFT also supported this action. In addition, the Service has received extensive public comment in the last several years in support of modifying the rule to allow for direct releases into New Mexico.

In September 1999, approval was received from the Regional Director at the time to proceed with the necessary steps that would allow for releases in the Gila National Forest, including focused outreach, relocation/release site clearances, and revision of the experimental population rule, the latter of which would allow for extensive public comment opportunities (public scoping, review and comment periods, public meetings and/or hearings) under section 10(j) of the Endangered Species Act (ESA), the Administrative Procedures Act (APA), and the National Environmental Policy Act (NEPA). In October 1999, the Mexican Wolf Recovery Coordinator retired from the Service; however, momentum for proceeding forward with modifying the rule

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<sup>6</sup> It should also be noted that a potential rule amendment regarding direct releases into New Mexico was foreseen by the Service and mentioned as a possibility in the EIS (public comment and response on pp 5-87 – 5-88).

continued. Draft proposed rule change language to allow for direct releases into New Mexico was completed by February 2000, and was then to be shared with the public to solicit public comment; however, it was never released. In April 2000, a new Mexican Wolf Recovery Coordinator was hired and the program's priority was redirected toward ensuring the IFT's effectiveness in order to be more responsive to field issues and conflict situations when they arose. This was to be done by establishing a system of Standard Operating Procedures (SOP) to ensure consistency and quality of data collection, consistency in how IFT personnel respond to field situations, and the safety of program personnel and the wolves. The SOPs are also intended to provide a mechanism for project peer review, to ensure that project actions are approved, and to provide a mechanism for Mexican wolf project and individual accountability.

On the heels of establishing improved IFT function, the Service then began the Three-Year Review of the Mexican wolf reintroduction project. The Paquet Report concluded the simplest and most important change the Service can make to enhance recovery is to modify the rule to allow for initial releases of captive-born (and wild-born if appropriate) Mexican wolves into the Gila National Forest. Similarly, the "Wolf Management Working Group" of the August Stakeholder Workshop in Show Low, Arizona identified their highest two ranking goals as: (1) to reassess and refine the boundaries for wolf recovery in Arizona and New Mexico; and (2) select better wolf release/management areas within the recovery zones in Arizona and New Mexico. The group further indicated that the flexibility to select wolves that have a greater probability of success, and thereby impact landowners and economic interests the least, is in the best interest of the program, both biologically and for those that may be impacted by wolves. To date, the Service has not yet taken action on these recommendations.

As noted above in #2, shortly after the completion of the Three-Year Review, a new Regional Director was assigned to Region 2. The Regional Director's first priority for the Mexican wolf program was to revise the 1982 Recovery Plan since the plan does not identify criteria for removing the Mexican wolf from the endangered species list. The Service needs specific recovery goals and objectives in place (i.e., how many wolves in how many areas constitutes recovery) in order to know how to proceed to achieve recovery. Therefore, the Regional Director directed the Mexican wolf program to revise the Recovery Plan to include downlisting/delisting criteria and describe the larger picture of recovery for the entire SWDPS before considering a rule change for the BRWRA reintroduction effort.

Further, the Regional Director has stated that in order to revise the rule, the Service must first have a unified, consensus recommendation from the SWDPS Recovery Team, including both the Technical and Stakeholder sub-groups.<sup>7</sup> The Recovery Team represents the full range of stakeholders throughout the SWDPS, offering a range-wide recovery perspective. Therefore, a

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<sup>7</sup> This approach may be in conflict with New Mexico's Game Commission motion which indicated support for a rule change to address direct releases into New Mexico. Also, this approach does not fully utilize the expertise and recommendations from entities that are directly involved in the BRWRA reintroduction project, and the effect of the rule on successful reintroduction. This approach may also lessen the value of input from the Adaptive Management Oversight Committee and the Adaptive Management Working Group.

recommendation coming from the Recovery Team will allow for full participation and input from all stakeholders. Concurrently, this Five-Year Review process will allow for input from local stakeholders regarding modifying the rule as it relates to the current (BRWRA) reintroduction effort. The review process for both the Recovery Plan and Five-Year Review follow a similar schedule. Specifically, a draft Recovery Plan is expected to be released to the public in August 2005, while the Five-Year Review is expected to be completed by August 2005. Based upon input and comments received from the Recovery Plan and the Five-Year Review, the Service will carefully consider all the available information, including the science and social issues, in making its final decision whether to move forward with a rule change or not. If the determination is made to revise the rule following a recommendation from the Recovery Team, it is conceivable that draft rule change language could be released to the public at the same time or shortly after the draft Recovery Plan is released. Regardless how the rule change issue unfolds, the Service is committed to managing the reintroduction project through an adaptive management approach, and will ensure the full participation of the public

## **5. Immediately modify the final rule to allow wolves that are not management problems to establish territories outside the BRWRA**

Status of Recommendation: **Not completed**

Justification: Please refer to #4 for additional information which is also relevant to this discussion. The following information is also provided:

Under the current rule, the Service is required to capture and return wolves that establish territories on public land wholly outside the designated wolf recovery areas either to the BRWRA or captivity. Additionally, if wolves establish themselves on private or tribal land outside the BRWRA, the Service will remove the wolves unless the landowner agrees they may remain. The Service promulgated such a rule based upon the circumstances at the time, which in the absence of such a provision, reintroduction would likely not have been possible.

The Three-Year Review Paquet Report criticizes the Service for promulgating a rule in which the boundary is so constrained. The report states, "Such regulations are inappropriate for at least 2 reasons: 1) they are nearly impossible to effectively carry out as the wolf population grows because of the difficulties of managing an ever-increasing number of wide-ranging dispersing animals, and 2) they establish a precedent that could be effectively used to argue for the removal of other endangered species inhabiting certain tracts of public or private land (Paquet et al., 2001). They further point out that nowhere else in the United States does the Service remove wolves simply for being outside a boundary in the absence of a problem.

The proposed rule change language drafted by the Service in February 2000 (discussed above in #4) did not address allowing wolves that are not a management problem to establish territories outside the BRWRA. At the time, the most important issue viewed as hindering the program was the inability to release wolves into New Mexico, which makes up of the majority of the

BRWRA and contains some of the best wolf habitat. Therefore, the draft primarily addressed modifying the rule to allow for direct releases of captive-raised wolves into the SRZ of the BRWRA. Along with this amendment, the Service intended to seek suggestions from program cooperators and the public for any other needed rule changes. Because the presence of wolves throughout the entire BRWRA, with all anticipated associated impacts, were analyzed in detail in the EIS, a rule change considering direct releases into New Mexico would not have required a Supplemental EIS (SEIS). This was because the proposed action of allowing direct releases into the SRZ would not have altered the scope or scale of the impacts, and the actual impacts observed in the BRWRA after two years of wolf releases generally were consistent with what was predicted in the EIS. Therefore, no significant change or new information had been presented that would require a SEIS, and a revision to the rule presumably could have proceeded, in the absence of any new information received during the public comment period.

As the free-ranging wolf population expanded however, a more important issue surfaced that revolved around the BRWRA boundary. As the population grew, dispersing wolves began to travel beyond the BRWRA boundary, often requiring their retrieval as mandated by the rule. As reiterated in the Paquet Report, this is problematic for several reasons, the most obvious being it hinders the natural dispersal and recolonization of wolves into new areas, thereby slowing recovery. As the number of un-collared wolves increases, it also sets an unrealistic expectation that the IFT will be able to remove wolves that establish outside the BRWRA boundary since there is no guarantee that even collared wolves can always be captured due to their wide-ranging capabilities. This creates credibility issues with the public. It also presents serious logistical and staffing concerns since it necessitates the IFT to spend numerous hours and resources removing otherwise non-problematic wolves when their time could be spent more productively dealing with more pressing field issues, such as daily monitoring, trapping for un-collared wolves or responding to wolf-livestock conflicts.

Using December 31, 2003 as the cut off date for this Five-Year Review analysis, the Service has removed a total of 21 wolves as a direct result of the boundary restrictions imposed by the rule. It is impossible to know what would have been the fate of those wolves had they been allowed to stay in areas outside the BRWRA; therefore, an analysis of such cannot be undertaken. Suffice it to say, the 21 wolves removed due to the boundary constraint may or may not have remained in the wild and successfully contributed towards recovery.

A modification to the rule to address the boundary has larger implications than allowing direct releases of wolves into the SRZ. The establishment of the SWDPS requires the Service to view recovery from a large-scale perspective encompassing the entire DPS, not just the BRWRA. As such, the Service needs to carefully consider how a rule modification for the BRWRA fits into the broader picture of delisting the SWDPS, including established recovery goals and objectives to be defined within the Recovery Plan. As discussed above in #4 however, the Service will not seek to modify the rule unless the Service receives a recommendation from the Recovery Team. After weighing the considerations from the Recovery Team and this Five-Year Review, the

Service will be prepared to proceed with any necessary actions if altering the BRWRA boundary is determined to be a necessary outcome to recover the gray wolf in the SWDPS.

In light of the March 2004 New Mexico Game Commission motion to support Mexican wolf recovery and reintroduction in New Mexico,<sup>8</sup> the following perspective regarding a rule modification is also provided: It is important to recognize that a rule revision could occur for *reintroduction* purposes, not just recovery. For example, one scenario that might support successful reintroduction would be a boundary expansion or dissolution, done in conjunction with a program to provide financial incentives to landowners or permissess within the expanded population boundary. Establishment outside of the primary and secondary recovery zones would be allowed to occur only through natural dispersal, not via releases or translocation outside of these zones. Simultaneously, the action must be accompanied by a concerted and organized effort to establish a financial incentive program for landowners and permissess throughout the experimental population area. This program would provide landowners and permissess with the opportunity to receive payment for provision of wolf habitat, in exchange for agreeing to an increased level of tolerance for the presence of wolves anywhere within the experimental population boundary. This program would not replace, but would instead complement, the existing program to compensate landowners for confirmed losses of livestock to wolves. A subcommittee of the AMOC has already begun investigation of this type of incentive program. Full support should be given to this subcommittee and to AMOC to work with interested publics, local governments, and other cooperators to develop the details and operating procedures for such a program, and to seek federal allocation for its implementation.

The Service's Regional Director has expressed a desire not to move forward with a revision of the experimental population rule unless the SWDPS Recovery Team recommends such action. The desire is to have Mexican wolf reintroduction-related actions be consistent with, and reflect the best technical guidance for, achievement of range-wide recovery. Initiating a rule revision at this time could be in keeping with the Regional Director's objectives, for several reasons. A rule revision should address and facilitate means for successful *reintroduction*, which will be a necessary component for achieving recovery of wolves within the SWDPS. Expansion of the recovery zone boundaries would help focus the efforts of limited reintroduction project personnel on wolves that truly require management attention, as opposed to diversion of efforts toward wolves that have simply failed to recognize geo-political boundaries. An experimental population rule revision is a multi-year process, and is unlikely to be completed before 2006, when the Recovery Plan is scheduled to be finalized. Any additional National Environmental Policy Act (NEPA) analyses that need to be conducted would likely require multiple years to

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<sup>8</sup> The wording of the Commission's motion is as follows: Move that the State Game Commission stand in support of Mexican wolf recovery and reintroduction in New Mexico, instruct the Director of the Department of Game and Fish to sign the Memorandum of Understanding regarding adaptive management of the Mexican wolf, and direct the Department to work cooperatively with other agencies, tribes, and the public to investigate modification of the recovery plan and rule to describe expanded boundaries for recovery, to explore and negotiate recommendations of the Paquet recovery assessment in concert with practical and social considerations, to provide for direct releases into appropriate area of New Mexico, and to report to the State Game Commission on progress with these efforts by 15 December 2004 and annually thereafter.

complete, also. Finally, a rule revision contingent upon establishment of an expanded financial incentive program would help to address a current issue of perceived weaknesses of the existing compensation program. All of these factors could contribute to successful wolf reintroduction within the BRWRA, which is within the primary purview of the Service and its cooperators, not the Recovery Team as a whole.

## **6. Resist any opportunity to reintroduce Mexican wolves in the White Sands Wolf Recovery Area**

Status of Recommendation: **Completed**

Justification: As authorized by the Record of Decision, the Service is implementing the “Preferred Alternative” of the Final Environmental Impact Statement (EIS) on the reintroduction of the Mexican wolf. The preferred alternative allows wolves to be reintroduced into a portion of the BRWRA, and if feasible and necessary to achieve recovery, White Sands Missile Range (WSMR) would be used as a secondary reintroduction site.

Limiting the use of WSMR solely as a secondary site was based upon two independent assessments (Bednarz 1989, Green-Hammond 1994) that concluded WSMR by itself could not support a viable population of wolves due to its relatively small size and its isolation from other suitable habitat. This finding was reiterated in the Three-Year Review, noting wolf dispersal would be hindered by Interstate-25 and poor wolf habitat surrounding WSMR (Paquet et al. 2001). Another more recent habitat modeling analysis (Carroll et. al. in prep) came to the same conclusion stating, “Conversely, an area such as the WSMR, even in the doubtful event that it could support a viable population, would make little contribution to regional recovery goals due to its isolation and small size.” In this study, Carroll et al. evaluated WSMR in a regional context, as well as summarized habitat quality for WSMR as a stand alone area for reintroduction. The results suggest that habitat within the WSMR would play little or no role in facilitating reintroduction success. The Service concurs with these conclusions and has no plans to reintroduce wolves in the WSMR area due to its limited ability to contribute towards wolf recovery in the SWDPS.

## **7. Provide biologists with opportunities to visit other wolf projects to gain training with capturing and handling free-ranging and captive wolves**

Status of Recommendation: **Ongoing**

Justification: The Interagency Field Team (IFT) recognizes that the highest levels of professionals, expertise, and ethical standards are required of a workforce in a field as dynamic, broad-based, and scrutinized as the reintroduction of the Mexican wolf. The IFT includes a multitude of agencies which bring to the program a tremendous diversity in workforce. Each agency represented on the IFT ensures that their own personnel will meet the annual training requirements placed upon them by their own agency. The IFT goes even further in ensuring that

team members are trained. The IFT currently holds annual training, e.g., immobilization training, which is open to employees of the cooperating agencies of the IFT and held at the captive facilities in New Mexico, the Alpine Field Office, and other sites within Arizona and New Mexico. Where appropriate, each agency will invite other agency personnel to trainings or to be a trainer at agency meetings. Project personnel staff members have also been detailed to other wolf programs to gain field experience. In addition and dependent upon funding, the IFT will strive to provide additional trainings such as net-gunning wolves in the Rocky Mountains to increase proficiency and knowledge of team members.

**8. Station the Field Coordinator in the BRWRA (e.g., in Glenwood or Silver City, New Mexico or Alpine, Arizona) and insist that this person be intimately involved with all aspects of fieldwork (wolf management, public relations, data collection, management, analysis, report preparation, etc.)**

Status of Recommendation: **Completed**

Justification: Mexican wolves were first released to the wild in March 1998. At that time, the Service's Mexican Wolf Field Coordinator position was stationed in the Regional Office in Albuquerque, New Mexico. In 1999, the Service began making plans to station the Field Coordinator in the BRWRA, specifically Glenwood, New Mexico. This shift in operations was initiated in order for the Service to have more of a presence in the local communities affected by wolves. It also gave the Service the ability to be more responsive to wolf situations in a timely manner as they arose in the field. From 2000 through May 2001, the Field Coordinator was stationed part-time in Glenwood until their departure from the wolf program. The Field Coordinator position remained vacant until September 2002 when the current coordinator was hired. The Field Coordinator has been stationed in Alpine, Arizona, headquarters for the Mexican Wolf Field Office, since the inception of their appointment to the program. At this time, the Service intends to keep the Field Coordinator position permanently stationed in the BRWRA.

As a fully functioning member of the IFT, the Field Coordinator is intimately involved in all aspects of fieldwork as suggested in the Three-Year Review recommendation. The functions and duties of the Field Coordinator are spelled out in MOU between the Service, Lead Agencies, and other program cooperators as follows:

The Field Coordinator shall:

- a. Serve as a member of the IFT and assist the Field Team Leaders in carrying out any field activities necessary to accomplish project goals and objectives.
- b. Serve as the communication liaison between the Adaptive Management Oversight Committee and the IFT.
- c. Collaborate with the IFT to draft recovery protocols.



- d. Assist the Field Team Leaders in drafting Annual Work Plans, Annual Performance Reports, and new or revised project operating procedures.
- e. Plan and coordinate, with assistance from the Field Team Leaders, the identification of review of additional release sites for release or translocation of Mexican wolves.

## **9. Put forth a concerted effort to develop realistic expectations for the project**

Status of Recommendation: Being Implemented

Justification: This recommendation from the Paquet Report identified a need for the Service to “constantly remind the public and the media” that “restoration is an imprecise process that is by definition ‘heavy handed.’” It further reflected Paquet et al.’s admonition that the Service would face (and need to overcome) many “great challenges,” meaning that “intervention will be required, wolves will disappear, and that some animals will die. But just as certainly, meeting the challenges will ensure the restoration of a self-sustaining population of Mexican wolves in the Blue River [sic] Wolf recovery area.”

Clearly, establishing more realistic expectations for the reintroduction project was a pressing priority in August 2001, as the Three-Year Review came to a close. It seemed evident that to some, the death of any wolf, perhaps even from natural causes, was unacceptable, and especially so for any wolf that died as a direct consequence of human action. Yet, as Paquet et al. pointed out, mortality was inevitable. Unrealistic expectations were also evident in regard to human ability to control, or at least modify, wolf behavior. The difficulties of tracking wolves in extremely rugged terrain, from searing summers through snow-bound winters, were too often casually dismissed, as some people questioned why the IFT did not know where every wolf was at every second. And even as they questioned, others criticized the Project for too much intervention, opining that the wolves should be allowed to adjust to the wild and people would need to adjust to them. Also, IFT response time to “nuisance” and “problem” wolves was often perceived by local residents as inadequate, even as criticisms were constantly lodged about the cost of the Project, which would only be increased if additional resources were allocated to increase responsiveness.

The need for more realistic expectations was reaffirmed a year later, in the State Wildlife Agencies’ September 2002 independent review of the Three-Year Review. To better address public expectations for a well-managed reintroduction project that appropriately considered and responded to the public’s expectations, the Arizona and New Mexico State Wildlife Commissions requested in September 2002 that the Service:

1. Restructure the roles and functions of the Primary Cooperators (AGFD, NMDGF, Service) to ensure State participation, authorities, and responsibilities.
2. Restructure the administrative and adaptive management processes to ensure opportunities for, and participation by, the full spectrum of stakeholders.

3. Restructure the Interagency Field Team response protocols, and enhance staff capacity, to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents.
4. Restructure Project outreach as necessary to address Commission, Department, and public concerns.
5. Ensure that all actions in the Project be in strict compliance with any applicable, approved special rules, policies, protocols, management plans, and interagency agreements.
6. Restructure and improve the Project's review protocols and procedures to ensure that the 5-year review is effective and efficient, and an improvement over the 3-Year Review.

The State Wildlife Commissions and their respective agencies were willing to help the Service restructure the Project from top to bottom, and work toward successful reintroduction and recovery, but first they needed to know that the Service was receptive to a more collaborative partnership than the States and the public perceived had existed since the initial wolf releases in 1998. Fortunately, the new leadership in the Service was more than receptive to this concept, as Regional Director H. Dale Hall both embraced and helped structure the necessary changes in organizational philosophy, structure, and function.

By November 2002, leaders of the two State Wildlife Agencies and the Service had agreed upon a course of action to address these concerns in such a way that more realistic expectations would be developed on both sides of the equation: the agencies that manage the Project and the public that is interested in and/or affected by it. The course of action is described in Attachment 1, dated November 8, 2002. Identifying themselves therein as Primary Cooperators, the three agencies agreed:

The Service is responsible for providing guidance and coordinated information to all interested parties relative to recovery of the Mexican wolf. The States and Tribes are responsible for conducting reintroduction efforts in such a manner that they contribute directly to recovery. Other federal, state, local, and private stakeholders have to some extent shared responsibilities, or at least significant stakes, in these areas. The intent of the current Primary Cooperators is to realign the Recovery and Reintroduction components so they are fully integrated, smoothly coordinated, and effective.

This document begins, but does not complete progress toward achieving the direction that was given to the two State wildlife agencies by their respective Commissions in September 2002. The Primary Cooperators will, however, complete this effort before March 31, 2003, through appropriate collaboration with Tribal and other interested parties.

From November 2002 through October 2003, the original Primary Cooperators met frequently, and over time with an increasing number of other State agencies, tribes, and local governments, to discuss a new framework for collaboration to ensure that expectations about the Project were

more realistic, and more importantly that they were met. Agencies-only meetings were blended with what evolved into quarterly Adaptive Management Oversight Group (AMWG) public meetings for open discussion of virtually all aspects of the Project. One of the more frequently voiced criticisms reflected a lack of trust in the agencies managing the Project.

The transition from Federal to State and Tribal implementation lead of the BRWRA Reintroduction Project was problematic at times for Project cooperators as new roles and responsibilities of agencies were defined and implemented. Uncertainty in how the new structure affected day to day operations and decision-making at the field level prevailed. Many of these issues remained unresolved, and as a consequence, the interagency meetings from February 2003 through October 2003 covered many of the same issues repeatedly, and impeded efforts to begin addressing the fundamental problems of insufficient funding and staff required to carry out the needed management, monitoring, and research. It was difficult to make consensus decisions about such issues, as agency representatives at the negotiations table struggled under the new organization. Roles, functions, and authorities were debated repeatedly. Trust issues among Project cooperators has required time, persistence, and a spirit of cooperation to overcome.

Nevertheless, by October 2003, the agencies had crafted a Memorandum of Understanding (Attachment 2) as a foundation for adaptive management of the Project. Quarterly meetings of the AMOC that guides the Project, and of the AMWG that affords a forum for public participation, thus became the primary mechanism for ongoing discussion and re-discussion of what to expect from the Project, and what the Project expected from the public. Many of the same questions and concerns came up at every meeting, and were addressed each time. Over-commitment of limited resources in a partnership effort was beginning to give way to a more realistic accounting of what could and would be done, and doing it. That is not at all an insignificant step in a Project that is as complex and controversial as wolf reintroduction, and it is a credit to all the agencies and public involved.

As of the time at which this Five-Year Review is being written, the cooperating agencies are continuing to diligently work to develop more realistic expectations for and by the Project in all sectors. It is, however, a never-ending and very difficult task. Few individuals inside and especially outside the agencies are sufficiently attuned to the Project to stay fully abreast of its problems, and progress. Many other issues and activities draw on their time. Thus, the focus is on constant re-education as well as on education. Information is now flowing better about the Project than ever before. The project has established a toll-free number (1-888-459-WOLF) whereby the public can call during business hours to report sightings or incidents, or to receive information about the project. A 24-hour dispatch (1-800-352-0700) is also operational to report incidents, depredations, or emergencies after hours. The backlog of uncompleted Annual Reports has been eliminated. Electronic self-subscription update services at <http://azgfd.gov> complement information posted on that AGDF website and the Service's Mexican wolf website, <http://mexicanwolf.fws.gov>. Enhanced signage in wolf-occupied areas, brochures, public adaptive management discussions, outreach presentations by the IFT, and countless "one on one"

field staff conversations with local residents are occurring to ensure that people have opportunities to gain more knowledge about the Project, express their opinions, and form more realistic expectations about it. The same mechanisms of interaction serve to inform the agencies about the public's expectations, and how they can best be met. As stated before, the work is indeed never-ending, thus this Paquet Report recommendation can only be described as "Being Implemented;" it will never be completed.

## **10. Initiate programs to educate people about wolf behavior**

Status of Recommendation: **Completed; being implemented**

Justification: Education and public outreach is essential and should be a continual, dynamic, and effective part of the Mexican Wolf Recovery Program. Providing sufficient and accurate information on wolves and their behavior is important to all entities involved in this program.

Numerous strategies have been introduced to provide this information to the public. An interim Education and Public Outreach Position was created by the Service to initially coordinate program goals. AGFD employs a full-time person on the Interagency Field Team with outreach responsibilities. Outreach plans and protocols have been established within agencies. Wolf education boxes have been provided to agencies for public forums; mounts of coyotes and wolves are on display throughout the BRWRA, with additional mounts expected in the future. Public outreach presentations have been initiated for schools, communities, and requesting groups. Permanent educational displays are being promoted for various locations. Traveling displays exist but are limited in number at the present; funding is being pursued to develop additional displays. Other educational materials such as brochures and posters have been created and are available from participating agencies. Signs have been developed and posted in wolf areas; additional sign postings are pending. Information has been included in Hunting and Recreation Regulations and made available with permits or hunt tags; presentations have been made at Hunter Safety Courses. Flyers have been made available and passed out to hunters prior to and during hunt seasons. A 24-hour report, information, and emergency phone line and a web-site to sign up for monthly updates are currently in place. Bi-weekly updates are provided to interested or affected parties via e-mail, fax, and by local postings. Personal contacts are made via the phone or by one on one discussion with parties reporting wolf sightings or incidents. Field activities have been conducted to demonstrate wolf monitoring techniques. Wolf issues are discussed and coordinated on a regular basis during AMOC and AMWG meetings. Wolf identification, behavior, and pertinent report information is coordinated for release to local media, including radio stations, television stations, and newspapers, especially prior to hunting seasons. Numerous articles have appeared in magazines, as well as professional journals. Partnerships have been established with local businesses and private organizations. Planning and development for educational outreach opportunities are a continuing and expanding part of the recovery program.

## **11. Require livestock operators on public land to take some responsibility for carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock**

### **Introduction and Description of the Issue:**

During the Three-Year Review of the reintroduction Project, an issue concerning livestock carcasses was identified. Simply stated, the concern involved the belief that free-ranging Mexican wolves that scavenge on domestic livestock carcasses become habituated, and subsequently depredate domestic livestock. This suspected wolf behavior in turn results in management actions ranging from capture and captivity, to translocation, to permanent removal from the wild, to lethal control of the offending wolf. Scavenging in this context means free-ranging wolves encounter a livestock carcass and feed on it. The cow may have died from a variety of causes other than an attack by wolves. In an attempt to put this issue into context we reviewed the issue as outlined in the Five-Year Review as well as reviewing the findings contained in both the “Final Report” from the Three-Year Review Workshop hosted by Conservation Breeding Specialists Group and the Three-Year Program Review and Assessment by Paquet *et al.* (2001).

We conducted a thorough review of the Service’s Mexican wolf “Incident Database” for incidences of Mexican gray wolf carcass feeding, depredations and subsequent management actions in order to evaluate whether a problem exists, and if so, what the magnitude of the problem is. Information on depredations and carcass feeding by Mexican wolves was also provided by the Center for Biological Diversity and evaluated for contribution to the Service’s data. We also examined the land management agencies, USDA Forest Service and USDI Bureau of Land Management regulations and policies to determine if the agencies have any policies or authorities regarding this issue. Finally we end our discussion by addressing the livestock industries’ perspective on the issue and provide a summary and conclusions.

### **Three-Year Review:**

Participants in the Three-Year Review Workshop hosted by Conservation Breeding Specialists Group were organized into six working groups. One of the groups, the “Wolf-Livestock-Animal Conflict Working Group” identified the finding and disposal of livestock carcasses as an “issue,” and they further identified the lack of implementation of effective husbandry practices to decrease livestock-wolf conflicts as a “problem.” The Livestock-Animal Conflict Working Group called for the livestock producers and land management agencies to work together to develop guidelines for detection and disposal of livestock carcasses to reduce wolf-livestock conflicts.

The Three-Year Program Review and Assessment by Paquet *et al.* (2001) addressed the livestock carcass issue in the section of their report titled “Has the Livestock Depredation Control Program been Effective,” pages 52-85. In their concluding remarks, Paquet *et al.* (2001) state “Similarly,

livestock producers using public lands can make a substantive contribution to reducing conflicts with wolves through improved husbandry and better management of carcasses.” In their “Overall Conclusions and Recommendations” (pages 67 to 68), Paguet *et al.* (2001) recommend that “livestock operators on public land be required to take some responsibility for carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock.”

### **Five-Year Review:**

The livestock carcass issue is addressed in Section (B-2-11) of the Five-Year Review. Section (B-2-11) states “***Require livestock operators on public land to take some responsibility for carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock.***” In order to evaluate the effectiveness of the Mexican wolf reintroduction program each identified issue is to be assessed as to whether it is a) completed/being implemented; b) not completed/being implemented; or c) not considered necessary to complete/implement.

### **Review of Documented Mexican Gray Wolf Livestock Depredations and Incidents of Livestock Carcass Feeding:**

The information in this section was derived from the Service’s Mexican wolf Incident Database and was augmented with information provided by the Center for Biological Diversity. Table 1 displays information on wolves involved in known depredation incidents through 2003. A total of 44 depredation incidents have been recorded, of those, 22 or 50 percent have been involved in documented cases of feeding on domestic livestock carcasses (Table 1).

Because this issue involves the suspected link between wolves scavenging on domestic livestock carcasses and wolves subsequent depredation of domestic livestock, Table 1 presents data on both wolf activities such as depredations and scavenging on livestock carcasses, as well as management actions associated with each type of incident capture to translocation. The ultimate fate of each wolf is also included in Table 1.

**Table 1: Documented Depredation Incidents and Associated Wolf Activities and Management Actions (N=44)**

Wolf #	Pack Name	CD	MD	SD	RFD	Carcass	Translocated	Fate
166	Campbell Blue	X			X	X		Permanently Removed
168	Gavilan	X			X			Permanently Removed
183	Gavilan	X			X	X		Permanently Removed
189	Mule	X				X		Permanently Removed
190	Mule	X			X	X		Unknown
191	Pipestem	X			X	X	X	Dead
208	Pipestem	X		X	X	X	X	Permanently Removed
507	Bluestem	X	X			X		In the Wild
509	Francisco	X		X		X	X	Dead

511	Francisco	X		X		X	X	In the wild
521	Bluestem	X				X		In the Wild
555	Gavilan	X						Unknown
562	Pipestem	X		X	X			Captivity
574	Saddle	X			X			Lethally Controlled
582	Gavilan	X	X					Dead
583	Gavilan/Luna	X			X		X	In the wild
584	Gavilan/Gapiwi	X	X		X	X	X	Dead
585	Gavilan	X	X		X			Dead
587	Francisco	X			X		X	Dead
592	Campbell B/Sycam	X	X		X	X	X	Lethally Controlled
623	Pipestem	X		X	X			Dead
624	Pipestem/Wild/Gap	X		X	X	X	X	Dead
625	Pipestem	X		X	X			Dead
626	Pipestem	X		X	X			Dead
627	Pipestem	X		X	X		X	Unknown
628	Pipestem	X			X		X	Captivity
632	Lupine						X	Permanently Removed
639	Bluestem			X			X	Dead
644	Francisco/Cerro			X				Dead
646	Saddle			X	X	X	X	Dead
648	Saddle/Sycamore	X		X	X		X	Captivity
729	Red Rock	X			X	X		Captivity
732	Red Rock	X		X	X		X	Captivity
754	Bluestem	X					X	Unknown
756	Bluestem	X					X	Dead
794	Bonito	X					X	Captivity
796	Cienega/San Mat	X	X			X		Captivity
797	Francisco	X	X	X	X	X	X	In the wild
798	Francisco	X		X		X	X	In the Wild
799	Francisco	X	X	X	X	X	X	Captivity
800	Francisco	X					X	Dead
801	Francisco	X				X	X	Dead
832	Francisco	X		X	X	X		In the wild
903	San Mateo	X			X			Captivity
44	<b>Totals</b>	<b>40</b>	<b>8</b>	<b>18</b>	<b>27</b>	<b>22</b>	<b>24</b>	
100	<b>Percentage</b>	<b>91</b>	<b>18</b>	<b>41</b>	<b>61</b>	<b>50</b>	<b>55</b>	

**Abbreviations:**

**CD = Confirmed depredation**

**MD = Multiple depredations**

**SD = Suspected depredation**

**RFD = Removed for depredation**

**Note:** Carcass = Wolves have Scavenged on dead livestock that died from causes other than wolf attacks

Of the 44 wolves involved in known depredation incidents through 2003, 8 or 18 percent were involved in more than one depredation incident. Twenty-seven of 44 wolves, or 61 percent, were removed from the wild for depredations (Table 1). Twenty-four of 44 wolves, or 55 percent involved in depredations have been translocated into the wild in New Mexico, 14 percent have

been permanently removed from the wild population and a total of seven or 41 percent have died (Table 1). Twenty percent of the 44 wolves involved in livestock depredations are currently in captivity and sixteen percent remain in the wild (Table 1).

Of the 22 wolves known to have scavenged on domestic livestock carcasses, 91 percent have been confirmed to have depredated domestic livestock, 27 percent more than once and another 41 percent are suspected to have been involved in other depredations (Table 2).

**Table 2: Summary of Wolf Activities and Management Actions for Wolves Known to Have Scavenged on Domestic Livestock Carcasses**

Management Activity	# of Wolves (N=22)	% of Total (N=22)
Confirmed Depredation	20	91
Multiple Depredation	6	27
Suspected Depredation	9	41
Removed for Depredation	13	59
Translocated	13	59
Permanently Removed	5	23
Unknown	1	4
Dead	6	27
Lethally Controlled	1	4
Captivity	3	14
In the wild	6	27

Of the 22 Mexican gray wolves known to have fed on domestic livestock carcasses, 59 percent were removed for depredations, and 59 percent were translocated into the wild in New Mexico (Table 2). Thirty-one percent of the wolves involved in document carcass feeding incidents are dead, 14 percent are currently in captivity and 27 percent are still in the wild.

Fifteen of the 22 Mexican wolves involved in both domestic livestock depredations and feeding on domestic livestock carcasses are no longer in the wild population (Table 1). Only two of 22 wolves involved in feeding on domestic livestock carcasses were not involved in incidents of domestic livestock depredations.

#### **Federal Land Management Agency Regulations and Policies Concerning Domestic Livestock Carcass Removal:**

The Forest Service and USDI Bureau of Land Management are the two principal federal land management agencies involved in Mexican wolf reintroduction and recovery. Neither agency has policies specifically aimed at requiring the removal of dead livestock, rendering dead livestock unpalatable or burying dead livestock on public lands where domestic livestock grazing is authorized. At the same time, however, neither agency is prevented from requiring such



actions, through their respective authorities that authorize domestic livestock grazing on federal lands. Specifically for the BLM, 43 CFR Chapter II §4130.3-2 (other terms and conditions) and for the Forest Service 36 CFR 222 and Forest Service Handbook 2209.13 §16.11 (Modification After Issuance) would allow each agency to address the issue of requiring the removal of livestock carcasses, rendering dead livestock unpalatable or burying dead livestock through individual grazing lease/permit authorizations or modifications.

### **Livestock Industry Perspective in the Southwest:**

Both the Arizona and New Mexico Cattle Growers' Associations are on public record in Mexican Wolf Work Group meetings as opposing any mandatory removal of dead livestock from public lands.

### **Summary and Conclusions:**

Fifty percent of the Mexican wolves involved in documented cases of domestic livestock depredations have fed on domestic livestock carcasses. Of the 22 wolves known to have scavenged domestic livestock carcasses, 63 percent are no longer part of the wild population. At the same time, of the 44 wolves known to have depredated domestic livestock, only half or 22 wolves have been documented to have scavenged on livestock. Therefore, clear trends either way are difficult to determine. Federal land management agencies do not have policies or regulations to require lease/permit holders to remove livestock carcasses from public land nor are they prevented from requiring such actions. The livestock industry in the Southwest opposes mandatory removal of livestock carcasses for federal land.

Regarding the Five-Year Review, the domestic carcass issue is **b) not completed**. In order to complete this task, the AMOC must work with the livestock industry and other interested publics through the AMWG public process to create a workable solution or collaboratively determine no action is necessary.

### **12. When writing or lecturing about the project, the Service should emphasize a community approach to understanding the wolf reintroduction project and its effect on other species and ecological processes**

The authors of the Mexican wolf Three-Year Review (Paquet *et al.* 2001) included the above recommendation, based on the rationale that "...Conservation policy is shifting away from the preservation of single species toward preservation and management of interactive networks and large scale ecosystems..." While the authors do not provide specific references for this statement, their review does discuss changes in entire food webs that can result from the disruption of top predator populations (e.g., McLaren and Peterson 1994, Terborgh *et al.* 1999). The authors also discuss the effects of wolves on prey survival and behavior (e.g., Nelson and Mech 1981, Ballard *et al.* 1987, Messier 1994), and influences of prey densities on wolf demographics (e.g., Messier 1985, Fuller 1989).

The driving legislation and policy leading to the re-establishment of Mexican wolves within the BRWRA were the Endangered Species Act (ESA) and the 1982 Mexican Wolf Recovery Plan that was completed pursuant to the ESA. While the ESA calls for conservation of ecosystems that support wildlife listed under the Act, the majority of its protections and regulations are directed at the single-species (as opposed to ecosystem) level. State wildlife agencies also possess authorities for conservation of individual species of wildlife. Even public land management agencies, which have mandates to provide for a multitude of land uses, have specific direction regarding individual wildlife species that may be given special status for management or planning purposes. Therefore, while the statement that “conservation policy is shifting...toward preservation and management of interactive networks” may be reflective of the current understanding of the importance of landscape-level factors in the conservation of wildlife (particularly large carnivores), it has yet to be manifested in significant changes to the legal and policy frameworks that guide Mexican wolf reintroduction.

Despite the lack of a clear ecosystem-level mandate related to Mexican wolf reintroduction, community-level changes remain an interest of many of the involved or affected agencies and stakeholders. Possible impacts to game populations are of strong interest to state wildlife agencies, sportsmen, and those involved in or supported by hunting-related industries. Similarly, questions are frequently raised regarding possible impacts of wolves on industries such as ranching, either through direct or indirect impacts that could result from effects to secondary carnivores (e.g., coyotes), ungulate populations, alternate prey populations, or even primary producers (plants). At this time, little information is available to answer these community-level questions regarding Mexican wolf reintroduction.

The Service did not attempt to quantify a broad array of ecosystem parameters for the explicit purpose of pre- and post-reintroduction comparisons. Also, because the objective for number of wolves to be established within the BRWRA has yet to be reached, community-level influences of wolves may not yet be detectable. Density of wolves within the 17,752 km<sup>2</sup> BRWRA is estimated at approximately 3 wolves/1,000 km<sup>2</sup>. This density is at the far lower end of wolf densities where authors such as Ballard *et al.* (1987) (range of ~3 wolves/1,000 km<sup>2</sup> after wolf control to ~10 wolves/1,000 km<sup>2</sup> before control), Parker (1973) (range of 2 wolves/1,000 km<sup>2</sup> to 28-50 wolves/1,000 km<sup>2</sup> concentrated on prey winter range), and Hayes *et al.* (2003) (1.7 wolves/1,000 km<sup>2</sup> after wolf control and 6.0 wolves/1,000 km<sup>2</sup> before) evaluated interspecific interactions at multiple wolf densities. In comparison, wolves on Isle Royale have represented the high end of wolf densities found in North America, up to 91/1,000 km<sup>2</sup>, (Peterson and Page 1988), and currently exist at about 50 wolves/1,000 km<sup>2</sup> in Yellowstone’s northern range (Smith *et al.* 2003). While it is expected that populations of ungulate prey, alternate prey, competing predators, and the amount of primary production would be decreased in more arid wolf habitats, these parameters have not all been quantified within the BRWRA, or within other wolf study areas. Therefore, it is difficult for the Service and the cooperating agencies involved with Mexican wolf reintroduction to provide unequivocal information regarding any landscape-level changes that may occur through Mexican wolf reintroduction. Paquet *et al.* (2001) acknowledge

this in their Three-Year Review of the Mexican wolf reintroduction Project. They state that wolf reintroduction has influenced the carnivore guild (wolves, bears, coyotes, mountain lions) within the northern Rocky Mountains, and recommend research within the BRWRA regarding the interaction of wolves with other carnivores, in order to inform future Mexican wolf reintroduction project evaluations and adjustments.

Based on the information above, the recommendation from the Mexican wolf project Three-Year Review that “When writing or lecturing about the project, the Service should emphasize a community approach to understanding the wolf reintroduction project and its effect on other species and ecological processes” (Paquet *et al.* 2001) is not considered an appropriate recommendation at this time. Rather, this recommendation is replaced with a related one that: **When writing or speaking about the Mexican wolf reintroduction project, the Service and the cooperating entities involved with Mexican wolf reintroduction should include information regarding projected community and ecosystem-level functions involving Mexican wolves. Wherever possible, the Service and cooperating entities should support studies, monitoring, and analyses to evaluate any community-level changes that may result from Mexican wolf reintroduction.**

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**C. Evaluation of the recommendations from the Arizona-New Mexico independent review of the Three-Year Review indicating the status of the recommendations as either: a) completed/being implemented; b) not completed/being implemented but necessary (provide justification for why it has not been completed and estimated time-frame for completion); and c) not considered necessary to complete/implement (include justification)**

In October 2001, the Service completed a review of the first three years of the Mexican wolf reintroduction project within the BRWRA. This review was required under the final non-essential experimental population rule for Mexican wolf reintroduction (Parsons 1998). The language within this rule directed the Service to conduct “full evaluations after 3 and 5 years that recommend continuation, modification, or termination of the reintroduction effort.” This direction was also included within the final EIS for Mexican wolf reintroduction (Service 1996) and the Mexican Wolf Interagency Management Plan (Parsons 1998).

In June 2001, Congress directed the Service to conduct an independent assessment of the reintroduction project’s Three-Year Review (House of Representatives Report 107-103). An agreement was reached for AGFD and NMDGF to jointly conduct this independent assessment. The two state wildlife agencies completed their evaluation (AGFD and NMDGF 2002) and submitted it to the Service Regional Director H. Dale Hall on September 30, 2002. This report contained a series of recommendations regarding the process and outcomes of the Three-Year Review, including six overarching points that both State Game Commissions directed the respective state wildlife agencies to transmit to the Service.

In developing the process and content for the Mexican wolf reintroduction project’s mandated Five-Year Review (Service 1996, Parsons 1998a, Parsons 1998b), the project’s cooperating agencies agreed to revisit the recommendations from the states’ evaluation of the Three-Year Review. This would include both the six overarching directives, and more detailed recommendations contained within the states’ evaluation. The purpose was to determine if the recommendations were still believed to be valid, whether they had been implemented, and any rationale for changes in validity or failure to implement the recommendations.

### **Review of State Game Commission Directives Regarding the Three-Year Review**

**1. The roles and functions of the Primary Cooperators (AGFD, NMDGF, Service) must be restructured to ensure State participation, authorities, and responsibilities as reflected in today’s discussion.**

Status: **Implemented**

Restructuring of roles and functions has been embodied within the MOU among the cooperating agencies in Mexican wolf management. This agreement was completed and received its initial signatures in November 2003. All of the Primary Cooperators had signed the agreement by

April 2004. One major task in the restructuring of roles and functions is still outstanding. This is item #8 under the “Lead Agencies agree to:” portion of the MOU, and reads:

Describe the roles, responsibilities, and processes necessary to address involvement, participation, and duties of the Lead Agencies, Project staff, and recognized committees, work groups, or other managing bodies involved with the Project. These descriptions will be completed within six months of the date of the last initial signature on this Agreement.

This task within the MOU should be made a priority action item, and completed within six months of the finalization of the Five-Year Review.

**2. The administrative and adaptive management processes must be restructured to ensure opportunities for, and participation by, the full spectrum of stakeholders.**

Status: **Implemented**

The completed MOU for Mexican wolf reintroduction establishes the Adaptive Management Oversight Committee (AMOC), consisting of Federal, State, Tribal, and County representation to cooperate, coordinate, and communicate among cooperating entities and other interested or affected parties. It also establishes an Adaptive Management Work Group (AMWG) to enhance communication with interested publics, identify local issues, review and make recommendations regarding Mexican wolf management activities, and evaluate the effectiveness of ongoing Mexican wolf management and communication processes. The AMWG conducts business in an open forum accessible to any interested party, and has been meeting at least quarterly since February 2003.

**3. The Interagency Field Team (IFT) response protocols must be restructured, and staff capacity enhanced, to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents.**

Status: **Not completed**

Mexican wolf Standard Operating Protocols (SOPs) have not all been completed and rewritten. Six SOPs have been completed, but are currently under review for revision. A total of 18 additional draft protocols are currently under review, and should be completed before the end of 2004.

Overall, capacity for the IFT has not been enhanced to date. Proposals have been written to provide funding for increased IFT staffing and other resources, but most are still under consideration. IFT staff capacity has been limited by turnover in personnel, and loss of a portion of one full-time equivalent position for purposes of pursuing a graduate degree study program related to Mexican wolf reintroduction.

**4. Project outreach must be restructured as necessary to address the Commission, Department, and public concerns expressed here today.**

Status: **Implemented**

The approved MOU establishes and formalizes some means of project-related outreach, including through the AMOC and AMWG. The MOU calls for interagency cooperation in developing and reviewing media releases, projects, and other outreach activities. Guidelines for coordinating, developing, and disseminating information for a variety of project-related events have been developed and implemented. An additional outreach component has been the maintenance of a full-time position on the IFT (as an employee of AGFD) that has project outreach as the primary duties of that position.

**5. All actions in the wolf Project must be in strict compliance with any applicable, approved special rules, policies, protocols, management plans, and interagency agreements.**

Status: **Implemented**

All of the cooperating agencies involved in the Mexican wolf reintroduction project obtained detailed legal reviews of the draft MOU prior to signing the agreement. A primary purpose of these legal reviews was to ensure compliance with the laws, regulations, and policies of each of the respective cooperating entities. Compliance with applicable rules and mandates is an ongoing responsibility of all cooperating agencies in the AMOC.

**6. The Project's review protocols and procedures must be restructured and improved to ensure that the 5-Year Review is effective and efficient, and an improvement over the 3-Year Review.**

Status: **In process**

Procedures for conducting the Five-Year Review were developed utilizing input from the entire AMOC. This was a distinct contrast to the Three-Year Review, when the process for conducting the review was determined primarily by the Service (although the process was vetted through the then Interagency Management Advisory Group (IMAG)). All parties involved in the development of the Five-Year Review attempted to create a process that would be more effective, efficient, and an improvement on the Three-Year Review. Given that the Five-Year Review will be completed closer to the seven-year juncture of the reintroduction project, it is arguable whether the Five-Year Review process can be considered to be efficient. However, specific procedures were agreed upon in order to improve upon aspects of the Three-Year Review, including: 1) writing the initial drafts of the review by those directly involved in project implementation, to allow for an intimate knowledge of the project's history and operations, and to provide a potentially contrasting perspective compared to the Three-Year Review; 2) contracting an independent socioeconomic assessment as part of the Five-Year Review; and 3)

allowance of time frames for AMWG and public review of drafts of the Five-Year Review's report and findings before they are finalized.

## **Specific Recommendations from the States' Evaluation of the Three-Year Review**

### Roles and Functions

**1. The Mexican Wolf Recovery Program must be restructured to ensure that the two primary components (recovery planning and reintroduction) are managed as collaborative but separate projects.**

Status: **Implemented**

The signed MOU describes distinct roles related to recovery and reintroduction for the Lead Agencies. Examples of efforts that follow this approach have included the formation of a new SWDPS Recovery Team, with the intent to complete a revised recovery plan by Spring 2006, and state lead of day-to-day implementation of reintroduction activities in Arizona and New Mexico. Some actions reflect an occasional blurring of lines between reintroduction and recovery, such as requiring evaluation of the reintroduction project's Five-Year Review by the Recovery Team, and discussion of Recovery Team representation at AMOC meetings. Overall, the cooperators have been operating under the principles of distinct recovery and reintroduction components since the earlier stages of development of the MOU.

**2. The roles and functions of the Primary Cooperators (AGFD, NMDGF, and the Service) must be restructured to ensure State participation, authorities, and responsibilities as reflected in this report.**

Status: **Implemented**

See item #1 under the Commission directives above.

**3. The administrative and adaptive management processes for the Reintroduction Project must be restructured to ensure meaningful opportunities for, and participation by, the full spectrum of stakeholders and interested parties (see also "Public Participation and Outreach" below).**

Status: **Implemented**

See item # 2 under the Commission directives above.

**4. The Service should immediately ask the White Mountain Apache Tribe whether it wishes to become a Primary Cooperator in the overall Reintroduction Project component, or retain such status only on its own Tribal lands.**



Status: **Implemented**

Through the development of the interagency MOU, the White Mountain Apache Tribe has been an active participant in discussions regarding roles and functions of the Lead Agencies for Mexican wolf reintroduction. Under the signed MOU, the White Mountain Apache Tribe is considered a Lead Agency, and has the lead for all activities relating to Mexican wolf reintroduction that occur on White Mountain Apache tribal lands.

**5. The Mexican Wolf Recovery Planning Component should be staffed by the Service's Mexican Wolf Recovery Coordinator, and centered in Albuquerque. Other elements of this Federally-staffed component should address the captive breeding program, pre-release acclimation husbandry at Sevilleta and other cooperating facilities, program-level outreach, revision of the 1982 Mexican Wolf Recovery Plan, and coordination of the Mexican wolf recovery planning range-wide, as well as conceptual oversight (not daily supervision) of the reintroduction effort in Arizona and New Mexico.**

Status: **Not completed; in progress**

The Service has maintained a Mexican Wolf Recovery Coordinator (or Acting) since 1992. However, this position was vacant from June 2003 until mid-November 2004 when the former Recovery Coordinator left the program, although the Service did maintain project personnel to perform in the Recovery Coordinator's capacity. However, not all Recovery Coordinator functions were performed during this time. Service Mexican wolf recovery staff have managed facilities and activities involving acclimation pens at Sevilleta National Wildlife Refuge. Service Region 2 recovery staff, not persons dedicated solely to Mexican wolf recovery, have led range-wide recovery planning and revision of the 1982 Mexican Wolf Recovery Plan. The Service has not maintained staff dedicated to recovery-related outreach functions due to lack of funding, although all Service personnel assigned to the Mexican wolf program participate in limited outreach activities. The only dedicated Mexican wolf outreach staff is a state employee who performs public outreach for Mexican wolf reintroduction. However, state employees have limited ability to perform outreach functions across all the applicable jurisdictional boundaries, and lack of Mexican wolf-related outreach has been a notable shortcoming in the project's capabilities.

Although this item has not been fully completed, the recommendation from the Three-Year Review is still considered valid, and should be fully implemented by September 2005. This recommendation comes with the understanding that: 1) the Mexican Wolf Recovery Coordinator position, when filled (note: the position has been filled as of November 15), should participate with, but not replace, the Service's Region 2 recovery staff as liaison to the SWDPS Recovery Team, for purposes of continuity and expediency in recovery plan completion, and 2) there is currently no dedicated staff for either Mexican wolf recovery or reintroduction-related outreach, and that funds and resources should be made available by the Service for this function.

**6. The Recovery Planning component should be responsible for reviewing and approving adaptive management Project implementation protocols and procedures that are developed by the Reintroduction Project component that is outlined below.**

Status: **Not completed; in progress with variation**

See item # 3 under the Commission directives above. Development and approval of all SOPs is in progress and should be completed before the end of 2004. Previously, approval of protocols has been by the Service's Region 2 Director, however; as agreed to under the MOU, protocols and procedures that pertain to the BRWRA reintroduction project are now being approved by AMOC.

**7. The Reintroduction Project component (in Arizona and New Mexico) must be centered in Alpine, Arizona, and/or elsewhere in the Recovery Area to ensure adequate field presence and outreach to manage released and wild-born wolves effectively, and to minimize real and perceived public conflicts.**

Status: **Implemented**

Project field staff are appropriately distributed in the BRWRA at this time. Reintroduction project staff are centered at Alpine, Arizona, but in some cases are based out of other locations to allow better geographic coverage of the entire recovery area. An upgrade and suitable longer-term arrangement of centralized field facilities at Alpine or elsewhere within the recovery area is needed, and is being pursued by the project's Lead Agencies.

**8. The IFT Leader must be a state employee, and all elements of the IFT (including biologists and outreach specialists) must report to that Leader. If IFT presence is needed in New Mexico, it must be funded, staffed, structured, and supervised as agreed by the Primary Cooperators, in keeping with the State-lead recommendation above.**

Status: **Implemented, with variation**

The approved MOU states that field team leaders shall be state and tribal personnel, acting under the guidance of the AGFD Field Team Leader on non-tribal lands in Arizona, the White Mountain Apache Tribe Field Team Leader on the Fort Apache Indian Reservation, and the NMDGF Field Team Leader on non-tribal lands in New Mexico. This recommendation is still considered valid, but should be implemented according to the specific language within the MOU, which reflects more recent agreements regarding roles and functions for field-related activities.

**9. The IFT response protocols must be restructured, and staff capacity must be enhanced (and funded) as necessary to ensure immediate (24-hour or less) response capability for, and resolution of, urgent operational issues, such as depredation incidents. Response**

**capability should be reviewed each calendar year to identify appropriate staffing, budget, and response protocol adjustments as reintroduction continues.**

Status: **Not completed; in progress**

See item # 3 under the Commission directives above. This is still considered a valid recommendation, and should be implemented by April 2005. Response time by the IFT for depredations and other nuisance behavior caused by Mexican wolves has improved and generally is less than 24 hours.

**10. All field and other Reintroduction Project protocols, and all management actions in the Project, must always be in strict compliance with any applicable, approved special rules, policies, and protocols, management plans, and interagency agreements.**

Status: **Implemented**

See item # 5 under the Commission directives above.

**11. The Reintroduction Project must be adaptively managed by collaboration and consensus among all three Primary Cooperators, with appropriate and meaningful opportunities for participation by stakeholder and other interested parties (see below).**

Status: **Implemented, with variation**

The approved MOU has an explicit objective of implementing interagency coordination and cooperation. This coordination involves an expanded set of six Lead Agencies and additional Cooperators. These entities are attempting to manage the Mexican wolf reintroduction project adaptively, with meaningful opportunities for public participation, through the AMOC and AMWG. In cases where consensus can be not reached, management decisions regarding the reintroduction project ultimately lie with the Lead Agency that has jurisdictional authority for wildlife within the geographic area of the management actions (e.g., AGFD for management actions on non-tribal lands in Arizona, NMDGF for management actions in New Mexico, etc.). This is an operational procedure that has been generally agreed upon through the AMOC, but should be codified within the descriptions of roles, responsibilities, and processes as described under paragraph 8 of the MOU's "Lead Agencies agree to:" section.

**12. The Reintroduction Project Coordinator position must be restructured and empowered to coordinate the adaptive management process, including identification, planning, review, and approval of future release sites and release protocols for Arizona and/or New Mexico. The Project Leader shall provide a transition between Recovery (Federal) and Reintroduction (State), by reporting to the Recovery Coordinator (Federal) and supervising the Field Team Leader (State).**

Status: **Not implemented**

The approved MOU contains an alternative description of the roles and responsibilities for the Reintroduction Coordinator (renamed as the Field Projects Coordinator). The MOU states that the Field Projects Coordinator will serve as the liaison between the AMOC and IFT, assist with the drafting of protocols, annual work plans, annual reports, and plan and coordinate the identification and review of release and translocation sites. Under the MOU, the overall adaptive management process for Mexican wolf reintroduction is led by the AMOC, with a non-federal committee chair. Therefore, the recommendation from the Three-Year Review is no longer considered valid. Instead, the roles and responsibilities of the Field Projects Coordinator should follow the description within the signed MOU.

**13. The adaptive management component of the Reintroduction Project must be restructured in collaboration with stakeholders and other interested parties, in accordance with the primary roles and function identified herein. IMAG should be dissolved or restructured to provide a forum open to any and all interested parties. The States prefer that a State-led Conservation Team approach be used to create this forum.**

Status: **Implemented**

IMAG has been dissolved, and has been replaced with the AMOC. The state-led AMWG has served as an open forum to allow participation in the adaptive management of the reintroduction project by any and all interested parties.

**14. With the new adaptive management forum, the Primary Cooperators should use other Cooperators signatory to a Memorandum of Agreement as a sounding board for Project management recommendations that are subsequently approved and implemented by the Primary Cooperators. Consensus should be sought with all formal Cooperators and other interested parties for all decisions, but in the absence of consensus the Primary Cooperators should be jointly responsible and accountable for making the necessary decisions. Signatory cooperator status in this adaptive management forum should be open to any interested governmental and non-governmental agency or organization. Participation by individuals should be without limit, except that voting on recommendations should be restricted to formal Cooperators.**

Status: **Implemented, with minor variation**

The recommendation listed above generally describes the means by which Lead Agencies and Cooperators have been operating under the approved MOU, and began to function beginning in February 2002, even prior to completion of the MOU. Two minor changes from the language above are that 1) in the absence of consensus, Lead Agencies are not jointly (or at least not equally) responsible for management decisions, but primary responsibility rests with the agency that possesses wildlife management authority within the jurisdictional boundaries of that action,

and 2) non-governmental entities are not eligible to be signatories to the MOU, but are able to have full participation in the AMWG for the purposes of adaptively managing Mexican wolf reintroduction. Where the above recommendation differs from the approved MOU, the guidance within the MOU should be followed.

#### Public Participation and Outreach

**1. The administrative and adaptive management processes for the Reintroduction Project component must be restructured to ensure meaningful opportunities for, and participation by, the full spectrum of stakeholders and interested parties (see above).**

Status: **Implemented**

See item # 2 under the Commission directives above.

**2. Reintroduction Project outreach must be restructured and funded as necessary to address the Commission, Department, and public concerns expressed in this report.**

Status: **Implemented**

See item # 4 under the Commission directives above.

**3. An outreach specialist must be added to the IFT, to be supervised by the IFT Leader with funding provided through the AGFD-NMDGF-SERVICE Memorandum of Understanding for this Project, to focus entirely on reintroduction issues as opposed to recovery issues.**

Status: **Implemented, with variation**

An outreach position (40% outreach; 60% field work) has been functioning on the IFT as an employee of AGFD. Additionally, there are plans for a full-time outreach specialist. The three-way MOU referred to above has been replaced by the multi-agency MOU for all Lead Agencies and Cooperators. Also, funding for the outreach specialist is not currently provided by the Service.

The recommendation is still considered to be valid, in that an outreach specialist for Mexican wolf reintroduction is believed to be necessary. However, this recommendation should be revised to specify that the Service should provide an employee as a dedicated outreach specialist for Mexican wolf reintroduction, who would have greater ability as a federal employee to move across state and tribal boundaries when requested. If additional project outreach specialists were deemed necessary by individual Lead Agencies or Cooperators, they should be encouraged to support such specialists. However, funding for additional outreach specialists should not be

provided through the Service's available funds that would otherwise support implementation of Mexican wolf reintroduction by the Lead Agencies.

Technical (Biological) Recommendations in the 3-Year Review

**1. Given the time constraints of this independent review, the States are unable to provide detailed technical recommendations on biological aspects of the Reintroduction Project. However, we wish to affirm that we find scientific merit in the biological recommendations offered in Paquet *et al.* (2001), and in some of those offered in the Stakeholders Workshop final report.**

Status: Comment only, not a recommendation addressing specific actions

**2. Not later than January 31, 2003, the Primary Cooperators should jointly decide upon which technical recommendations to take through the newly restructured Reintroduction Project adaptive management process, for discussion, refinement, and implementation, and which ones to assign to the Recovery Program to address at that level. We note again that the Reintroduction Project continues to suffer from the SERVICE's failure to revise the Mexican Wolf Recovery Plan, to integrate reintroduction population objectives with appropriate recovery objectives.**

Status: Not completed

This item was initiated but never completed. The technical recommendation could not be brought to the reintroduction project's newly restructured adaptive management process by January 2003, because the MOU codifying that process was not completed and ready for initial signatures until November 2003. The Lead Agencies and Cooperators recognize the value in completing this task, and are utilizing the Five-Year Review process to re-emphasize the importance of implementing this recommendation. It should be completed by January 1, 2006.

**3. Not later than March 31, 2003, the Primary Cooperators must discuss their recommendations with other Cooperators in public session, and develop a draft plan for implementing the recommendations selected. This plan must include timelines and measure objectives for implementation.**

Status: Not completed

See explanation for item # 2 above. This is still considered to be a valid recommendation. It should be implemented by March 31, 2006.

**4. At least annually thereafter, the Primary Cooperators must present to stakeholders and cooperators an annual report and annual work plan for discussion and comment. These documents would collectively serve as the monitoring and evaluation components needed**

**for adaptive management. The agreed-upon annual work plans must be flexible (adaptive), so changing needs can be met, but must also be followed sufficiently closely to allow effective evaluation and monitoring of project actions in a manner that will provide a solid foundation for subsequent decision-making processes and adaptive management.**

Status: **Not completed**

Progress has been made in “catching up” on the production of annual reports, but annual work plans have yet to be completed on a regular and timely basis. This is still considered to be a valid recommendation, and should be implemented by April 15, 2005.

Five5-Year Review

**1. The Reintroduction Project’s review protocols and procedures must be restructured and improved to ensure that the 5-Year Review is (a) effective and efficient, (b) makes full use of all appropriate material from the 3-Year Review, (c) an improvement over the 3-Year Review, and (d) completed by September 30, 2004.**

Status: **In progress**

See item # 6 under the Commission directives above.

Literature Cited (Section C only)

- Arizona Game and Fish Department and New Mexico Department of Game and Fish. 2002. Arizona-New Mexico review of the U.S. Fish and Wildlife Service's 3-year review of the Mexican wolf reintroduction project. Report to the U.S. Fish and Fish and Wildlife Service, Region 2, Albuquerque, New Mexico. 27 pp.
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## Attachment 1

### Summary of Discussions Among the Arizona Game and Fish Department, New Mexico Department of Game and Fish, and the U.S. Fish and Wildlife Service Regarding Management of Mexican Wolf Recovery and Reintroduction Efforts

November 8, 2002 (Revised Final)

In separate public sessions during September 2003, the Arizona Game and Fish Commission and the New Mexico State Game Commission passed motions providing guidance to the two agencies on changes they deemed necessary in Mexican wolf Recovery and Reintroduction, as they pertain to the States of Arizona and New Mexico. The direction was as follows:

1. The roles and functions of the Primary Cooperators (AGFD, NMDGF, Service) must be restructured to ensure State participation, authorities, and responsibilities as reflected in today's [Commission meeting] discussion.
2. The administrative and adaptive management processes must be restructured to ensure opportunities for, and participation by, the full spectrum of stakeholders.
3. The Interagency Field Team response protocols must be restructured, and staff capacity must be enhanced, to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents.
4. Project outreach must be restructured as necessary to address the Commission, Department, and public concerns expressed today.
5. All actions in the Project must be in strict compliance with any applicable, approved special rules, policies, protocols, management plans, and interagency agreements.
6. The Project's review protocols and procedures must be restructured and improved to ensure that the 5-year review is effective and efficient, and an improvement over the 3-Year Review.

The Arizona Commission also:

1. Required its Department to resolve issues 1, 2, and 3 within 60 days of September 30, 2002, at the Primary Cooperator level, and that the changes and the issues they reflect be taken through the restructured Adaptive Management Process for stakeholder discussion and further refinement.
2. Directed its Department to restructure the Mexican Wolf Reintroduction Project within 180 days of September 30, 2002, and report back to the Commission on the results of this effort in April 2003.
3. Reserved the right, if these issues are not resolved within the timeframes outlined in the letter, to take further action on the Department's participation in this Project.

The two State agencies met with the Service on October 31, 2002 to discuss how to comply with the Commissions' guidance. They resolved that the Recovery and Reintroduction components would be separated more clearly in future planning and implementation efforts. To achieve this:

### Recovery

1. The Service will disband the current MW Recovery Team and assemble a new one to revise the outdated current plan, using:
  - a. The draft "Thiel plan."
  - b. New information gained through ongoing wolf recovery efforts.
  - c. Information contained in the Service's 3-year review of the Mexican wolf conservation program.
  - d. Any other available and relevant information.
2. The Service and the States will ensure that the revised Recovery Plan provides specific, measurable objectives for accomplishing downlisting and delisting the Mexican wolf.
3. The Service, with assistance from the States, will identify prospective Recovery Team members from the appropriate stakeholders range-wide and technical experts, with a clear understanding of the dichotomy between the Team's role (developing a Recovery Plan) and the separate and distinct State-led Reintroduction effort.
4. The Service will focus its Mexican Wolf Recovery Coordinator (B. Kelly) on guiding and implementing the Recovery Program, thus providing appropriate guidance to the Reintroduction Project (see below).

### Reintroduction

1. The Service will focus its Mexican Wolf Reintroduction Coordinator (J. Oakleaf) as the administrative and coordination liaison between the Federal Recovery Coordinator and the State-led Reintroduction Project. The Reintroduction Coordinator will be responsible for:
  - a. Developing and maintaining, in collaboration with the States, protocols and processes by which the Project shall be planned, conducted, and evaluated through the principles of adaptive management. Said protocols and processes must be compatible with any guidance from the Recovery Team as it revises the Recovery Plan (subject to approval by the Service's Regional Director), and of course must fully comply with applicable Federal and State laws.
  - b. Planning and coordinating identification, review, and approval (subject to State concurrence) of additional release sites in the current Recovery Area.
2. The States shall be responsible for implementing the Reintroduction Project in Arizona and New Mexico, given that:
  - a. Tribal roles and functions in this restructuring have yet to be discussed, let alone resolved, with the Tribes. Tribal authorities will be fully respected by the States in re-defining Reintroduction Project roles and functions of the Primary and any other cooperators.

- b. The principles of adaptive management shall be used to oversee the Reintroduction Project.
  - i. A representative from each State wildlife agency and the Service's Reintroduction Coordinator shall be the leads in adaptive management.
  - ii. The States, in collaboration with the Reintroduction Coordinator, shall discuss and resolve with current IMAG (Interagency Management Advisory Group) members, and other interested and affected parties, how best to structure and conduct the adaptive management process. The intended objective is to afford any and all responsible interested parties opportunities to constructively and productively participate in the adaptive management process.
  - iii. The Primary Cooperators shall document the revised adaptive management process and construct appropriate guidance documents for it.
  - iv. The Primary Cooperators shall use the Adaptive Management Group as a sounding board for discussions and issues pertaining to the Reintroduction Project, but shall remain responsible for making the necessary decisions for the Project, and/or recommendations to the Recovery Program.
- c. The Reintroduction Project shall be implemented on the ground through a State-led (or Tribal-led, as appropriate to the jurisdictions involved) Field Team approach.
  - i. The Field Team may operate in both States as a single Team, or be split into separate Teams or Sub-Teams as appropriate to ensure the required management and response capability at the local level.
  - ii. The Field Team(s) may operate differently on Tribal lands, subject to pending discussions with Tribal partners.
  - iii. The Field Teams shall be guided by, and report back up through, the Primary Cooperators, represented by their Adaptive Management leads.
    - 1. A State Field Team Leader shall be responsible for directing the daily activities of the Field Team.
    - 2. The Field Team shall draft annual Work Plans, Performance Reports, and new or revised operating protocols/procedures that are subject to Primary Cooperator approval, after the Primary Cooperators complete appropriate discussions with the Adaptive Management Group.

### Summary

The Service is responsible for providing guidance and coordinated information to all interested parties relative to recovery of the Mexican wolf. The States and Tribes are responsible for conducting reintroduction efforts in such a manner that they contribute directly to recovery. Other federal, state, local, and private stakeholders have to some extent shared responsibilities, or at least significant stakes, in these areas. The intent of the current Primary Cooperators is to realign the Recovery and Reintroduction components so they are fully integrated, smoothly coordinated, and effective.

This document begins, but does not complete progress toward achieving the direction that was given to the two State wildlife agencies by their respective Commissions in September 2002. The Primary Cooperators will, however, complete this effort before March 31, 2003, through appropriate collaboration with Tribal and other interested parties.

Document MW Primary Cooperators Project Management Guidance.200211.doc

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## Attachment 2

**Memorandum of Understanding**  
among the  
**Arizona Game and Fish Department,**  
**New Mexico Game and Fish Department,**  
**U.S.D.A. Animal and Plant Health Inspection Service/Wildlife Services,**  
**U.S.D.A Forest Service,**  
**U.S. Fish and Wildlife Service,**  
**White Mountain Apache Tribe,**  
**Arizona Counties of Graham, Greenlee, and Navajo,**  
**New Mexico Counties of Catron and Sierra,**  
and the  
**New Mexico Department of Agriculture**

Final (Agency Approval): October 31, 2003

This Memorandum of Understanding (hereafter Agreement) is made and entered into by and among the:

1. Arizona Game and Fish Department (AGFD), as authorized to enter into agreements as the administrative agent of the Arizona Game and Fish Commission, i.e. A.R.S. Title 17-231.B.7; and consistent with Cooperative Agreement 1416000291201 - A.G. Contract No. KR90-1847-CIV, between AGFD and the Service for recovery of federally listed endangered species;
2. New Mexico Department of Game and Fish (NMDGF), as authorized to enter into agreements by NMAC Section 11-1-1 et seq. and NMSA Section 17-2-42; and consistent with Memorandum of Agreement 1448-00002-95-0800, which delineates a cooperative working relationship for accomplishment of mutual goals in endangered species conservation and recovery; NMDGF's participation in this Agreement is both authorized and limited by New Mexico laws, particularly the New Mexico Wildlife Conservation Act (17-2-37 NMSA through 17-2-46 NMSA 1978); NMDGF can attempt to undertake only those actions within this Agreement that are in compliance with the laws and regulations of the State of New Mexico;
3. U.S.D.A. Animal and Plant Health Inspection Service, Wildlife Services (WS), as authorized to enter into agreements, i.e. Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1468; 7 USC 426-426b and 426c);
4. U.S.D.A Forest Service Southwestern Region (USFS), as authorized under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 (note 528-531)), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1536, 1538-1540);
5. U.S. Fish and Wildlife Service Region 2 (Service), as authorized to enter into agreements, i.e. the Endangered Species Act, 1531 USC et seq.;

6. White Mountain Apache Tribe (WMAT), as authorized to enter into agreements, i.e. Article IV Section 1 of the Tribal Constitution;
7. Graham County (GraCo), Greenlee County (GreCo), and Navajo County (NaCo), as authorized under the State of Arizona, enabling counties to protect the health, safety, and welfare of its citizens, pursuant to Arizona Revised Statutes 11-806(B), as well as County laws, including County land-use plans, water and watershed plans, and environmental and natural resource laws and policies, as well as the Treaty of Guadalupe Hidalgo;
8. Catron County (CaCo) and Sierra County (SiCo), as authorized under the State of New Mexico, granting powers necessary and proper to provide the safety, preserve the health, promote the prosperity, and improve the morals, orders, comfort, and convenience of any County or its inhabitants, pursuant to New Mexico Revised Statute 4-7-31 (NMSA 1978), as well as County laws, including County land-use plans, water and watershed plans, and environmental and natural resource laws and policies, as well as the Treaty of Guadalupe Hidalgo; and
9. New Mexico Department of Agriculture (NMDA), as authorized to enter into agreements in accordance with 76-1-2-F NMSA 1978.

Collectively, all parties to this Agreement are referred to as Signatories.

Collectively, the AGFD, NMDGF, USFS, Service, WMAT, and WS are referred to in this Agreement as Lead Agencies, the agencies with primary regulatory jurisdiction and/or management authority over the Mexican wolf in Arizona and New Mexico. Additional Lead Agencies (i.e. additional Tribal Governments) may be added to this Agreement upon their request, by concurrence from the Signatory Lead Agencies and written amendment to this document.

Collectively, the Counties and NMDA are referred to in this Agreement as Cooperators, which are other State agencies and County governments that have an interest in Mexican wolf management. Additional Cooperators may be added to this Agreement upon their request, by concurrence from the Signatory Lead Agencies and Cooperators and written amendment to this document.

### **Purpose**

The purpose of this Agreement is to establish a framework for adaptively managing the Mexican wolf reintroduction project in and around the BRWRA to contribute toward recovery, including downlisting and delisting.

### **Objectives**

This Agreement is made and entered into by the Signatories to achieve the following objectives:

1. Continue a long-term effort (hereafter referred to as "Project") to reestablish Mexican wolves in the BRWRA of east-central Arizona and west-central New Mexico, and thus contribute to achieving approved recovery goals.
2. Apply the principles of adaptive management to all aspects of the Project, and provide opportunities for the Signatories and all other interested parties to engage in discussion of (and provide timely, substantive, constructive comment on) Project-related issues and activities.
3. Develop and implement interagency coordination and cooperation protocols, procedures, and schedules for this Agreement.
4. Develop and facilitate implementation of appropriate management, monitoring, evaluation, impact assessment, mitigation, and other Project-related practices.
5. Recognize and respect the separate authorities of the Signatory agencies, and the interests of other governmental entities and other parties.
6. Enhance awareness of the Signatory agencies, other interested (non-signatory) parties (e.g. cities, towns, citizens, and nongovernmental organizations) regarding the Project, and encourage and enhance their participation in the Project.

**Witnesseth:**

WHEREAS, the Endangered Species Act of 1973 declared the policy of Congress to be that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act;

WHEREAS, the AGFD, a State resource agency, has determined that direct participation in reestablishment of the Mexican wolf would be consistent with its current program to reestablish extirpated nongame and endangered wildlife in Arizona, and is essential to representing the State's interest in, and authority for, management of the wildlife resources that are held as a public trust for the people of Arizona;

WHEREAS, the NMDGF, a State resource agency, has determined that direct participation in reestablishment of the Mexican wolf would be consistent with its mandates under the New Mexico Wildlife Conservation Act, and is essential to representing the State's mandates and authorities for management of all protected wildlife resources that are held as a public trust for the people of New Mexico;

WHEREAS, the AGFD and NMDGF, as State wildlife agencies, have policies that recognize it is essential for the success of wildlife programs to recognize, assess, and protect the customs and cultures of peoples and communities affected by wildlife programs.

WHEREAS, the USFS, a Federal land management agency has the responsibility under the National Forest Management Act, of 1982, to provide for the diversity of plant and animal communities and manage fish and wildlife habitat to maintain viable populations and to further the conservation and recovery of Federally listed species under Section 7(a)(1) of the Endangered Species Act, 1973 as amended on National Forest Lands;

WHEREAS, the Service, a Federal land management and regulatory agency, is responsible for initiating, conducting, and supporting programs for the recovery of listed populations under the authority of the Endangered Species Act of 1973. Such programs include those designated to recover the Mexican wolf;

WHEREAS, the Service is responsible for providing guidance and coordinated information to all interested parties relative to recovery of the Mexican wolf; the States and (if they so choose) Tribes are responsible for conducting reintroduction efforts in such a manner that they contribute directly to recovery; and other Federal, State, local, and private Cooperators have to some extent shared responsibilities, or at least significant stakes, in these areas;

WHEREAS, the Service, AGFD, and NMDGF have been cooperating since 1998 under a Memorandum of Understanding to carry out this Project, and that agreement is scheduled to expire in October 2003;

WHEREAS, the Service conducted a 3-year review of the Mexican Wolf Recovery and Reintroduction Program in 2001 that identified areas of potential improvement;

WHEREAS, at the request of the Service, the AGFD and NMDGF conducted an independent review of the Service 3-year review in 2002, and the Lead Agencies have determined it advisable to redefine their relationships and responsibilities, and their relationships with Cooperators and other interested parties, by:

1. Restructuring the roles and functions of the Lead Agencies to ensure appropriate State and Tribal participation, and recognition of State and Tribal authorities and responsibilities as reflected in discussions among the Lead Agencies during and subsequent to the 2002 independent review.
2. Restructuring the Project's administrative and adaptive management processes to ensure opportunities for, and participation by, the full spectrum of Cooperators and other interested parties.
3. Restructuring the Project's Interagency Field Team response protocols, and enhancing staff capacity, to ensure immediate response capability to, and resolution of, urgent operational issues, such as depredation incidents.
4. Restructuring the Project's outreach efforts as necessary to address the concerns expressed by State Wildlife Commissions, State and Tribal Wildlife Agencies, and the public during the aforementioned reviews.



5. Ensuring that all actions in the Project are in strict compliance with any applicable approved special rules, policies, protocols, management plans, and interagency agreements.
6. Restructuring the Project's review protocols and procedures, and improving them to ensure that the Project's 5-year review is effective and efficient, and an improvement over the 3-Year Review.
7. Realigning Recovery and Reintroduction components so they are fully integrated, smoothly coordinated, and effective, through appropriate collaboration with Tribes and other interested parties.

WHEREAS, the WMAT, a Federally-recognized Indian Tribe, has determined that direct participation in reestablishment of the Mexican wolf would be consistent with its current wildlife and resource management programs and plans, and is important to representing the Tribe's interests in, and authority for, management of wildlife resources on the Fort Apache Indian Reservation;

WHEREAS, the WMAT adopted the WMAT Mexican Wolf Management Plan in 2000, and the WMAT and Service have been cooperating under Cooperative Agreements since 2000 to carry out this Project on the Fort Apache Indian Reservation;

WHEREAS, the WS, a Federal program, is responsible for providing Federal leadership and expertise to resolve conflicts between humans and wildlife, including threatened and endangered species. Conflicts are resolved in cooperation with Federal, State, and Tribal agencies, individuals, and other public and private agencies, organizations, and institutions;

WHEREAS, Arizona and New Mexico Counties are legally responsible for the protection of health, safety, and welfare of individuals and communities that may be affected by reintroduction and recovery of the Mexican wolf;

WHEREAS, the Arizona Counties are participating in the Mexican wolf recovery and delisting program and this Project under the County authorities to protect the health, safety, and welfare of their citizens, and to manage natural resources within the boundaries of the Counties.

WHEREAS, the New Mexico Counties are participating in the Mexican wolf recovery and delisting program and this Project under the County authorities to protect the health, safety, and welfare of their citizens, and to manage natural resources within the boundaries of the Counties.

WHEREAS, "adaptive management" is a foundation for this Agreement, and means "learning by doing" and using objective analysis and informed opinion to determine the need for, and direction of, changes in relevant policies, procedures, plans, and actions,"

for purposes of this Agreement “adaptive management” includes public participation, and processes for evaluating and adjusting the Project to better achieve its objectives, as experience and knowledge are gained through implementation, study, scientific research, and discussion.

WHEREAS, in the interest of enhancing communication, Black’s Law Dictionary (7th Edition; ISBN 0314241302) and Merriam-Webster’s Collegiate Dictionary (11th Edition; ISBN 0877798095) shall be the primary references for words used in this Agreement;

NOW THEREFORE, in consideration of the above premises, the Signatories enter into this Agreement to accomplish its purpose and objectives.

The Lead Agencies agree to:

1. Use the principles of adaptive management to manage this Project, and to cooperate, coordinate, and communicate with each other, all Cooperators, and other interested and affected parties to restructure and document the adaptive management framework for this Project.
2. Assign one employee (and one or more alternates) as Lead Participant in an Adaptive Management Oversight Committee (hereafter Committee; one member per Lead Agency) to guide this Project. The Committee Lead Participant from AGFD, NMDGF, or WMAT shall serve as Committee Chair (2-year term, subject to renewal), to establish a non-Federal lead to ensure compliance with the Federal Advisory Committee Act.
3. Afford any and all interested parties substantive opportunities to constructively and productively participate in the Project, through an Adaptive Management Work Group (hereafter Work Group). The Lead Participant from AGFD, NMDGF, or WMAT shall serve as Work Group Chair (2-year term, subject to renewal), to establish a non-Federal lead to ensure compliance with the Federal Advisory Committee Act. The Work Group shall:
  - a. Meet regularly (at least quarterly – January, April, July, and October) in public session to enhance communication among, and provide for broader participation in the Project by the public, including Lead Agencies and Cooperators (i.e. signatory entities) and other interested parties (i.e. non-signatory participants);
  - b. Review and make recommendations to the Lead Agencies on any management plans (including Annual Work Plans) or operating procedures that pertain specifically to this Project, as opposed to the overall Recovery Program;
  - c. Enhance communication with other interested parties and the public, to keep them informed on the Project;
  - d. Identify (and, as appropriate, address) local issues and concerns;
  - e. Evaluate the effectiveness of management and communication processes each year; and

- f. Provide a public forum for discussion of issues pertaining to the Project. However, the Lead Agencies shall, by applicable State, Tribal, and Federal law, remain responsible for making necessary decisions for the Project, and any recommendations to the Recovery Coordinator.
- 4. Provide logistical and other support as necessary for the Committee, Work Group, and Project.
- 5. Implement, through the Project (subject to guidance by the Service Region 2 Regional Director-approved recovery protocols), the objectives and strategies of the:
  - a. Service Mexican Wolf Recovery Plan;
  - b. Final Environmental Impact Statement on Reintroduction of the Mexican Wolf in the Southwest;
  - c. Mexican Wolf Nonessential Experimental Population Rule (50 CFR 17.84(k));
  - d. AGFD cooperative reintroduction plan for the Mexican wolf in Arizona (NGEWP Technical Report 56);
  - e. 1998 Mexican Wolf Interagency Management Plan (or any subsequent revisions); and
  - f. WMAT Mexican Wolf Management Plan and the Cooperative Agreement between WMAT and the Service for Assistance in Mexican Wolf Monitoring and Management.
- 6. Maintain one or more State/Tribally-led Interagency Field Teams (hereafter Field Team[s]) to plan, direct, and implement the Project on the ground; and, when appropriate, designate a primary contact (and one or more surrogates) for their agency to interface with the Field Team(s). [Note: Availability of staff is subject to the limitations identified on page 12, Paragraphs 1 and 2].
  - a. Members of the Field Team(s) shall be those agency employees and interns or volunteers who, for the majority of their duties, perform the Project's on-the-ground activities.
  - b. The Field Team(s) shall include the following positions: Field Team Leaders (one per State and Tribal Lead Agency), wildlife biologists/specialists (varying numbers from any Lead Agency or Cooperator), depredation specialists (varying numbers from or certified by Wildlife Services), conservation education/outreach specialists (varying numbers from any State or Tribal Lead Agency); field assistants (varying numbers of seasonal technicians, interns, and volunteers); and such other staff as the Lead Agencies and Cooperators may deem appropriate and necessary.
  - c. The Project-related activities of Field Team members shall be guided and directed by the Field Team Leaders (see next paragraph). However, each employee shall be supervised by their superior in the chain of command within their respective agency.
  - d. Under guidance and direction from the Lead Agencies functioning as the Committee, the Field Team(s):

- i. Shall be guided by the AGFD Field Team Leader on non-Tribal lands in Arizona, by the WMAT Field Team Leader on WMAT lands in Arizona, and by the NMDGF Field Team Leader in New Mexico.
    - ii. May operate in both States as a single Field Team, or be split into separate Field Teams or Sub-Teams as appropriate to ensure the desired management and response capability at the local level.
    - iii. May operate differently on Tribal lands, subject to direction from the Tribal Field Team Leader(s).
  - e. Field Team Leader(s) shall jointly be responsible for:
    - i. Planning, directing, and implementing the daily activities of the Team(s);
    - ii. Drafting Annual Work Plans, Annual Performance Reports, and new or revised Project operating procedures that will be subject to Committee approval (as described in paragraph #8, below), after appropriate discussion with and review by the Work Group. Project procedures must be compatible with any guidance approved by the Service Region 2 Director, and must fully comply with applicable Federal, State, and Tribal laws;
    - iii. Seeking assistance from the Field Projects Coordinator (see below, subsection 3 of “The Service agrees to”), as necessary to conduct its activities;
    - iv. Communicating with the Committee through the Field Projects Coordinator to ensure that issues are brought to the Committee, and reported back to the Field Team(s), in timely fashion; and
    - v. Assisting the Field Projects Coordinator in identifying and reviewing additional areas and sites for release or translocation of Mexican wolves, pursuant to procedures established under paragraph #8, below.
- 7. Provide facilities, equipment, logistical support, and land access for the Field Team(s) and any other field personnel, under any subsequent and distinct funding documents separate from this Agreement.
- 8. Describe the roles, responsibilities, and processes necessary to address involvement, participation, and duties of the Lead Agencies, Project staff, and recognized committees, work groups, or other managing bodies involved with the Project. These descriptions will be completed within six months of the date of the last initial signature on this Agreement.
- 9. Develop and distribute public information and educational materials on the Project.
- 10. Cooperate in development of all Project-related media releases, media projects, and outreach activities, and ensure that all Lead Agencies have ample opportunity to review and approve such materials before they are released.

11. Cooperate in providing sufficient funding for this Project. The Federal Lead Agencies' intent is to endeavor to use the Congressional budget process to recover and delist the Mexican wolf. The non-Federal Lead Agencies' intent is to seek sufficient Federal funding for Mexican wolf reestablishment and management through direct Congressional allocation, and/or, as appropriate and necessary, other sources that are in addition to Federal funds currently available to AGFD, NMDGF, or WMAT, rather than by reallocation of existing funds. Examples of new sources of funding may include, but are not limited to: Landowner Incentives Program, Partners for Fish and Wildlife, State Wildlife Grants, and any other appropriate sources.

Note: Funds raised by non-Federal parties shall be separate and distinct from the Federal partners. This shall not preclude non-Federal partners from using Federally-originated funds to contribute to their operating budgets. It is understood by all parties that Federal funds cannot be used to match Federal funds (as in cost-share agreements), unless Congress has specifically authorized an exception.

The Service agrees to:

5. Provide guidance to this Project by:
  - a. Developing appropriate guidance for the Project through a Recovery Plan, recovery protocols, and other recovery guidelines approved by the Regional Director, Region 2.
  - b. Ensuring that the revised Recovery Plan provides specific, measurable objectives for accomplishing downlisting and delisting the gray wolf in the southwestern gray wolf distinct population segment.
  - c. Completing a final draft revision of the Mexican Wolf Recovery Plan by 2004, and striving to secure approval (i.e. Directors' signature) by 2005.
  - d. Ensuring that any Service Region 2 Regional Director-approved guidelines or protocols pertaining to Mexican wolf recovery are communicated in timely fashion to the Committee to use in providing direction to the Field Team.
6. Continue designating wolves released to repopulate the BRWRA, and their descendants, as a nonessential experimental population, in accordance with Section 10(j) of the Endangered Species Act of 1973, as amended.
7. Provide a Mexican Wolf Field Projects Coordinator, who shall:
  - a. Serve as a member of the Field Team(s), and assist the Field Team Leader(s) in carrying out any field activities necessary to accomplish Project goals and objectives.
  - b. Serve as the communication liaison between the Committee and the Field Team(s).
  - c. Collaborate with the Field Team to draft recovery protocols.
  - d. Assist the Field Team Leader(s) as requested in drafting Annual Work Plans, Annual Performance Reports, and new or revised Project operating procedures

that will be subject to Committee approval (pursuant to procedures developed under paragraph #8 under “The Lead Agencies agree to”), after appropriate discussion with and review by the Work Group. Project procedures must be compatible with any guidance approved by the Service Region 2 Regional Director, and must fully comply with applicable Federal, State, and Tribal laws.

- e. Plan and coordinate, with assistance from the Field Team Leader(s), the identification and review of additional areas and sites for release or translocation of Mexican wolves, pursuant to procedures established under paragraph #8 of “The Lead Agencies agree to”.
8. Assess Project priorities annually with the Lead Agencies, and, subject to availability, provide supplemental funding to the States, Tribe(s), and WS to support the Project. Funds for WMAT shall require no Tribal match. Funds for States shall be matched by AGFD and/or NMDGF, generally on a ratio of 3:1 (Federal:Non-Federal) or greater, meaning that the Service shall not require the State (Non-Federal) contribution to exceed 25 percent of total cost, although the States/Cooperators may voluntarily do so.
9. Provide all necessary Service authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

The AGFD agrees to:

3. Be responsible for implementing the Project in Arizona on non-Tribal lands, and for providing assistance as available (a) on Tribal lands as requested by the appropriate Tribe, and (b) in New Mexico on non-Tribal lands as requested by NMDGF.
4. Maintain on staff: (a) one Field Team Leader(s); (b) one or more conservation-education specialists to assist in Project outreach activities; and (c) additional staff as deemed necessary, pursuant to paragraphs #8 and #11 under “The Lead Agencies agree to”.
5. Provide administrative and other support for the Project.
6. Provide all necessary AGFD authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

The NMDGF agrees to:

1. Be responsible for implementing the Project in New Mexico on non-Tribal lands, and for providing assistance as available (a) on Tribal lands as requested by the appropriate Tribe, and (b) in Arizona on non-Tribal lands as requested by AGFD.

2. Maintain on staff: (a) one Field Team Leader(s); (b) one or more conservation-education specialists to assist in Project outreach activities; and (c) additional staff as deemed necessary, pursuant to paragraphs # 8 and #11 under “The Lead Agencies agree to”.
3. Provide administrative support for the Project.
4. Facilitate issuance of necessary NMDGF authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

The USFS agrees to:

1. Assist the Field Team as necessary to ensure timely, effective, and well-coordinated implementation of the Project’s Annual Work Plan.
2. Strive to provide all necessary USFS authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

The WS agrees to:

1. Provide Federal leadership and expertise to resolve conflicts between humans and wildlife in regard to this Project, in cooperation with Federal, State, and Tribal agencies, individuals, and other public and private agencies, organizations, and institutions.
2. Maintain on staff one or more wildlife depredation specialists to assist in Mexican wolf damage management, primarily livestock depredations.

The WMAT agrees to:

1. Be responsible for, and retain lead authority for, implementing the Project on the Fort Apache Indian Reservation.
2. Maintain on staff: (a) a Field Team Leader; (b) one or more conservation education specialists to assist in outreach activities regarding the Project; and (c) additional field staff as deemed necessary.
3. Provide administrative and other support for this Project.
4. Strive to provide all necessary Tribal authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

The Arizona and New Mexico Counties agree to:

1. Assign an Elected or Appointed Official, or a designee thereof, to participate in the Project’s Adaptive Management Work Group.

2. Cooperate, coordinate, and communicate with other interested and affected parties to participate in the Project's Work Group.
3. Enhance communication with other interested parties and the public to keep them informed on the Project and the Recovery Program.
4. Provide logistical and other support as necessary for the Work Group.
5. Coordinate impact assessments and mitigation measures that may occur from reintroduction and recovery of the Mexican wolf, on health, safety, and welfare of the Counties and their residents.

The New Mexico Department of Agriculture agrees to:

1. Assign an Elected or Appointed Official, or a designee thereof, to participate in the Project's Adaptive Management Work Group.
2. Cooperate, coordinate, and communicate with other interested and affected parties to participate in the Project's Work Group.
3. Enhance communication with other interested parties and the public to keep them informed on the Project and the Recovery Program.
4. Provide logistical and other support as necessary for the Work Group.

It is Mutually Agreed and Understood by and among the Lead Agencies and Cooperators (i.e. the Signatories to this Agreement) that:

1. Sufficiency of Resources. The terms of this Agreement are contingent upon sufficient resources being available to the Signatories for the performance of this Agreement. The Lead Agencies will agree to a work plan each year, develop budgets, and, as funding is available from all sources, assess priorities and apply the available funding to those priorities. The decision as to whether sufficient resources are available to each Signatory shall be determined by each Signatory, shall be accepted by all other Signatories, and shall be final. [Note: For NMDGF, "sufficient resources" means appropriated dollars, and NMDGF is not obligated by this Agreement to seek funds from the Legislature.]
2. Non-Fund Obligor Document. Nothing in this Agreement shall obligate the Signatories to obligate or transfer any funds, expend appropriations, or to enter into any contract or other obligations. Specific work projects or activities that involve transfer of funds, Services, or property among the Signatories may require execution of separate agreements or contracts and be contingent upon the availability of appropriated or other funds. Appropriate statutory authority must independently authorize such activities; this Agreement does not provide such



authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

3. Establishment of Responsibility. This Agreement is non-binding and establishes no duty or obligation on any party; this Agreement is not intended to, and does not create or establish, any substantive or procedural right, benefit, trust responsibility, claim, cause of action enforceable at law, or equity in any administrative or judicial proceeding by a party or non-party against any party or against any employee, officer, agent, or representative of any party.
4. Responsibilities of Parties. The Signatories to this Agreement and their respective agencies and offices will handle their own activities and use their own resources, including the expenditure of their own funds, in pursuing the objectives of this Agreement. Each party will carry out its separate activities in a coordinated and mutually beneficial manner. Employee assignment to the Project is subject to approval by the employing agency.
5. Freedom of Information Act (FOIA). Any information provided to the Federal Agencies under this instrument may be subject to release under the Freedom of Information Act (5 U.S.C. 552). However, nothing in this Agreement shall be construed to affect the applicability of the exemptions set forth in 5 U.S.C. Section 552 (b).”
6. Participation in Similar Activities. This instrument in no way restricts the Signatories from participating in similar activities with other public or private agencies, organizations, and individuals. This Agreement does not modify or supersede other existing agreements between or among any of the Signatories.
7. Commencement/Expiration/Withdrawal. This Agreement takes effect upon the date of the last signature of approval and shall remain in effect for no more than five years from the date of execution, unless renewed, extended, or canceled. This Agreement may be renewed, extended, or amended upon written request by any Signatory, and subsequent written concurrence of the other Signatories. All such actions shall be discussed in a public meeting of the Work Group. Any Signatory may withdraw from this Agreement with a 60-day written notice to the other Signatories, through the Work Group Chair. Withdrawal by one party shall not affect the continued cooperation of the remaining parties under this Agreement. Further:
  - a. In accordance with the laws of the State of Arizona, all parties are hereby put on notice that State of Arizona participation this Agreement is subject to cancellation pursuant to A.R.S. § 38-511.
  - b. In accordance with the laws of the State of New Mexico, this Agreement is subject to approval by the Department of Finance and Administration. If any money has been contributed by the parties to this Agreement, after completion of the Agreement’s purposes any surplus money on hand shall be returned in

proportion to the contributions made. No property shall be acquired as the result of the joint exercise of powers under this Agreement.

8. Additional Signatories. This Agreement may be amended at any time to include additional Signatories. An entity requesting inclusion as a Signatory shall submit its request to the Work Group Chair in the form of a document defining its proposed responsibilities pursuant to this Agreement.
  - a. Inclusion of additional Lead Agencies shall be approved by majority voice concurrence of the current Lead Agency signatories present in a Work Group meeting.
  - b. Inclusion of additional Signatories shall be approved by majority voice concurrence of the current Lead Agency and Cooperator signatories present in a Work Group meeting.
  - c. On approval, the new Cooperator must comply with all aspects of the Agreement as it was structured at the time of approval of its request for Cooperator status.
9. Conflict Resolution. Conflicts between or among the Signatories concerning this Agreement that cannot be resolved at the lowest possible level shall be referred to the next higher level, et seq., as necessary, for resolution.
10. Principal Contacts. Appendix A lists the principal implementation and contract administration contacts for this Agreement. Agencies may change their contact(s) by written notification to the Work Group Chair, who shall distribute an updated Appendix A to all Signatories. Principal Contact changes by one Signatory shall not require concurrence by other parties to this Agreement.

IN WITNESS WHEREOF:

The Signatories hereto have executed the Agreement as of the last written date below.

\_\_\_\_\_  
Duane L. Shroufe, Director  
Arizona Game and Fish Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bruce C. Thompson, Director  
New Mexico Department of Game and Fish

\_\_\_\_\_  
Date

\_\_\_\_\_  
H. Dale Hall, Director, Region 2  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Harv Forsgren, Regional Forester  
USDA Forest Service Southwestern Region

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael V. Worthen, Regional Director, Western Region  
USDA APHIS/Wildlife Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dallas Massey, Sr., Chairman  
White Mountain Apache Tribe

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Elected Official  
Catron County, New Mexico

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Elected Official  
County of Sierra, New Mexico

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Elected Official  
Graham County, Arizona

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Elected Official  
Greenlee County, Arizona

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Elected Official  
Navajo County, Arizona

\_\_\_\_\_  
Date

\_\_\_\_\_  
I. Miley Gonzalez, Ph.D., Director/Secretary  
New Mexico Department of Agriculture

\_\_\_\_\_  
Date

[Other Lead Agencies and Cooperators yet to be inserted]

## Appendix A: Primary Contacts for Agreement

Project Contacts are the individuals who represent their agencies in implementing this Agreement. Contract Administration Contacts are the individuals whom Project Contacts consult regarding administrative (contractual) issues related to this Agreement. Project Contacts and Contract Administration Contacts may or may not be the same individual.

<b>Project Contacts:</b>	<b>Phone, FAX, E-Mail:</b>
AGFD Terry B. Johnson	602.789.3507; 602.789.3926; <a href="mailto:teebeej@gf.state.az.us">teebeej@gf.state.az.us</a>
NMDGF Chuck Hayes	505.476.8102; 505.476.8128; <a href="mailto:elhayes@state.nm.us">elhayes@state.nm.us</a>
USDA APHIS WS David L. Bergman	602.870.2081; 602.870.2951; <a href="mailto:david.l.bergman@aphis.usda.gov">david.l.bergman@aphis.usda.gov</a>
USDA FS Wally J. Murphy	505.842.3195; 505.842.3800; <a href="mailto:wmurphy@fs.fed.us">wmurphy@fs.fed.us</a>
SERVICE Colleen Buchanan	505.761.4782; 505.346.2542; <a href="mailto:colleen_buchanan@Service.gov">colleen_buchanan@Service.gov</a>
WMAT John Caid	928.338.4385; 928.338.1712; <a href="mailto:jcaid@wmat.nsn.us">jcaid@wmat.nsn.us</a>
County Catron	
County Greenlee Hector Ruedas	928.865.2072; 928.865.4417; <a href="mailto:kgale@co.greenlee.az.us">kgale@co.greenlee.az.us</a>
County Sierra Adam Polley	505.894.6215; 505.894.9548; <a href="mailto:adam@riolink.com">adam@riolink.com</a>
NMDA Bud Starnes	505.646.8005; 505.646.1540; <a href="mailto:bstarnes@nmda.nmsu.edu">bstarnes@nmda.nmsu.edu</a>

<b>Contract Administration Contacts:</b>	<b>Phone, FAX, E-Mail:</b>
AGFD Terry B. Johnson	602.789.3507; 602.789.3926; <a href="mailto:teebeej@gf.state.az.us">teebeej@gf.state.az.us</a>
NMDGF Tod Stevenson	505.476.9010; 505.476.8124; <a href="mailto:tstevenson@state.nm.us">tstevenson@state.nm.us</a>
USDA APHIS WS	602.870.2081; 602.870.2951; <a href="mailto:david.l.bergman@aphis.usda.gov">david.l.bergman@aphis.usda.gov</a>
USDA FS Susan McDonnell	505.842.3345; 505.842.3152; <a href="mailto:smcdonnell@fs.fed.us">smcdonnell@fs.fed.us</a>
SERVICE Susan MacMullin	505.248.6671; 505.248.6692; <a href="mailto:susan_macmullin@Service.gov">susan_macmullin@Service.gov</a>
WMAT John Caid	928.338.4385; 928.338.1712; <a href="mailto:jcaid@wmat.nsn.us">jcaid@wmat.nsn.us</a>
County Catron	
County Greenlee Kay Gale	928.865.2072; 928.865.4417; <a href="mailto:kgale@co.greenlee.az.us">kgale@co.greenlee.az.us</a>
County Sierra	505.894.6215; 505.894.9548; <a href="mailto:adam@riolink.com">adam@riolink.com</a>
NMDA	505.646.8005; 505.646.1540; <a href="mailto:bstarnes@nmda.nmsu.edu">bstarnes@nmda.nmsu.edu</a>

:tj

DRAFT